



UNIVERSITY *of*
TASMANIA

**LAND REFORMS AND POVERTY: THE IMPACTS OF LAND REFORMS ON
POOR LAND USERS IN THE NKORANZA SOUTH MUNICIPALITY, GHANA**

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Dedication

I dedicate this work to my wife, Anthonia Ayamga-Anafo; my son, Einhard Ayinbisa Anafo, Vida Ayamga and my newly born daughter, Atamaala Anafo. It is also dedicated to my Mum, Helen Anafo, my Dad, Stephen Ayinsongba Anafo and my siblings who stood by me in difficult and trying times.

Abstract

The Government of Ghana began the implementation of the Land Administration Project (LAP) in 2003 as an effort to elaborate on the broad thrusts of the National Land Policy (NLP), which was approved in January 1999. The LAP focuses on facilitating access to land, ensuring security of title to land and enhancing institutional capacity for efficient and effective land administration. A decade into the implementation of the NLP and LAP this study sought to examine the impacts of land reforms on the land access, use rights and livelihoods of poor land users. The study uses field data gathered through in-depth interviews, observations and focus group discussions from the Nkoranza South Municipality (NSM) to explore the ability of women farmers, pastoralists and migrant farmers to access, use and manage land resources under the emerging “agency system” of land governance. The study also examined the regimes governing land access and use of the commons for grazing by pastoralists. The study establishes that although communal dynamics play a role in shaping land rights changes, current changes in land rights are the result of a land reform system that exposes close-knit communal land resources to metropolitan capital investments and transnational land deals. It further indicates that land reforms, pursued as silo developmental interventions, as is the case of the NSM case study, are incapable of alleviating poverty and the multiple livelihood needs of the poor. As such, it is recommended that land reforms be pursued as part of integrated development interventions, if poverty reduction remains a relevant goal of such initiatives. Furthermore, evidence from the field data suggests that the Nkoranza cosmovision of land as exhibiting features of a gift, a commodity and a sacred object should constitute the defining variables in any attempt to create locally viable land tenure systems. This entails incorporating the customs of the local people into the land reform processes. Finally, it is pointed out that state policies over land should seek to sustain communal practices, land use dynamics and cultures by supporting

land tenure stabilisation and increasing voice and accountability over land use decision making.

Key Words: Ghana, Nkoranza South Municipal Assembly, Land Stressed Groups, Land Based Actors, Farmers, Pastoralists, Poverty, Land Reforms and Capability Approach.

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List of Acronyms

ADR	Alternative Dispute Resolution
ARPS	Aborigines Rights Protection Society
BAT	British American Tobacco
BNA	Basic Needs Approach
CIDA	Canadian International Development Agency
CLS	Customary Lands Secretariat
CSM	Cerebrospinal Meningitis
DFID	Department for International Development
ECA	Economic Commission for Africa
EIA	Environmental Impact Assessment
EU	European Union
FAO	Food and Agriculture Organisation
FASDEP	Food and Agriculture Sector Development Policy
fCUBE	free Compulsory Universal Basic Education
FGDs	Focus Group Discussions
GCAP	Ghana Commercial Agriculture Project
GDP	Gross Domestic Product
GIZ	German International Cooperation
GLTN	Global Land Tools Network
GNP	Gross National Product
GTZ	German Technical Cooperation
HIV/AIDS	Human Immune Virus/Acquired Immune Deficiency Syndrome
IFAD	International Fund for Agricultural Development
ILD	Institute for Liberty and Democracy

KfW	German Development Bank
KNUST	Kwame Nkrumah University of Science and Technology
LAP	Land Administration Project
LPG	Liquefied Petroleum Gas
MDA	Municipal Directorate of Agriculture
MiDA	Millennium Development Authority
NDF	Nordic Development Fund
NGGL	Newmont Ghana Gold Limited
NGOs	Non-Governmental Organisations
NLP	National Land Policy
NSM	Nkoranza South Municipality
NSMA	Nkoranza South Municipal Assembly
PDR	People's Democratic Republic
PNDCL	Provisional National Defence Council Law
SADT	South African Development Trust
SEA	Social Exclusion Approach
SLA	Sustainable Livelihoods Approach
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
US	United States
USAID	United States Agency for International Development
USD	United States Dollars
USSR	United Soviet Socialist Republic
WCI	Welfare Composite Index

1.1 Background to the Research

“ACCESS TO LAND AND THE ABILITY TO MAKE productive use of such land is critical to poor people worldwide. In addition to its direct effect on households' welfare and their strategies for risk coping, together with other factors, the system of land tenure will also affect the scope for the emergence of markets and the structure of governance at the local level” (Deininger, 2003: 1)

Land is an important production and livelihood asset and recent land policies acknowledge the centrality of land to rural development, poverty reduction and wealth creation. These policies include: the EU *Land Policy Guidelines* (EU, 2004); the UN-Habitat's *Handbook on Best Practices, Security of Tenure and Access to Land: Implementation of the Habitat Agenda* (UN-Habitat, 2003); the World Bank's *Land Policies for Growth and Poverty Reduction* (Deininger, 2003) and the FAO's *Land Tenure and Rural Development* (FAO, 2002).

It is a stylized fact that land, together with labour, capital and entrepreneurship constitute the key factors of production. When taken in its corporeal and incorporeal terms, land is the source of food for mankind, a natural habitat for living organisms, a store of carbon and a store of mineral resources. Because of the centrality of land to human existence, several authors have approached the land question in various ways. These include: land title formalization and the creation of wealth (de Soto, 2000; The World Bank, 2002), land policy and livelihoods (Department for International Development, 2002), land tenure systems and their impacts on food security and sustainable development (Economic Commission for Africa, 2004), gender and land rights (FAO, 2010), land rights and vulnerabilities (Yankson

et al., 2009), land tenure in development cooperation (gtz, undated) and land tenure and forest governance (USAID, 2012).

According to Baranyi et al. (2004) land reforms have not been consistently pursued as development interventions, due to the fact that land issues are “knotty and often political” (Bruce, 2006: 1). Land was also seen to be abundant in the global south and the indigenous land governance systems perceived as flexible enough to respond to land tenure challenges (Platteau, 1996). In recent times, however, interest in land reforms has been rekindled due to the formulation of the Millennium Development Goals (MDGs) and their emphasis on poverty reduction, gender equality and environmental sustainability, which have led to widespread land reform initiatives in Asia, Latin America and Africa (Bruce, 2006). These recent developments have led Baranyi et al. (2004), to argue that, land policy issues have moved swiftly up the international agenda in recent years after decades of relegation to the margins in development debates.

Such is the importance of land that countries the world over have at one point or the other experimented with land reforms in some form. Land reforms and land administration reforms are used interchangeably in this study, although Ghana’s Land Administration Project (LAP) is a land administration reform programme. This is because while land reforms refer to “modifications in the legal and institutional framework governing land policy” (FAO, 2003: 69), land administration reform “is concerned with the management of the landholding system for land, natural resources, and fixed improvements such as buildings” (The World Bank, 2005: x). The World Bank (2005: 17) further indicates that land administration projects often take the following forms: market driven privatization of land rights; formal acknowledgement of land rights derived from occupation and use; conversion of one legal regime to another; introduction of a land registration system or alteration of the documentation of rights from one system of registration to another; introduction or

strengthening of land valuation and taxation practices; establishment or improvement of land use planning and regulation, including land consolidation and reordering; development or enhancement of dispute resolution approaches; and changes in organizational structure and/or procedures. These approaches to land administration reforms are about the goals often pursued by most land reform initiatives (Bruce, 2006). Land administration reform is therefore seen in this study as a sub-set of land reforms.

Broadly, however, Platteau (1996) argues that reforms often take the form of transforming land relations into public, community and/or private ownership to meet the goals of efficiency and/or equity. While rights to land are vested in the state bureaucracy under the public system of land ownership, such rights are communally held under community systems and held privately (individually, jointly or corporately) under private systems (FAO, 2003). With respect to the goals of land reforms, Platteau (1996) states that land reforms typically pursue efficiency, defined as growth in agricultural outputs; and equity which encompasses secure land access for the majority of peasant land users.

Giovarelli & Bledsoe (2004) report that land administrations programmes seeking to individualise land ownership are vigorously being pursued in the Kyrgyz Republic, Armenia, Ukraine, Moldova and Tajikistan following the collapse of the United Socialist Soviet Republic (USSR). Bruce (2006) also observes similar trends in Lao People's Democratic Republic (PDR), Cambodia, Vietnam and Indonesia in Eastern Asia. According to Valdez (2000) and Deere and Leon (2001) Latin American countries such as Brazil, Paraguay, Peru and Honduras are engaged in land reforms programmes that span back several decades, mostly bordering on the regularization of titles to land for indigenous peoples (Baranyi *et al.*, 2004). African countries such as Kenya, Uganda, Ghana and Rwanda, among several others have also experimented with land administration reforms over the last few decades, mostly seeking to enhance investments in land and natural resources (Bruce, 2006).

Principally, there is a preponderance of activities around land reforms in the global south. A review of the policy documents underpinning land reforms in various countries shows that the financing of such schemes has mostly come from the Bretton Wood institutions, and that they are underpinned by the goal of efficiency as opposed to equity (Platteau, 1996), though shrouded in terms such as “poverty alleviation” and “pro-poor land reforms”. Poverty reduction is about the single most important goal sought through land reform interventions. This is necessary because about 70 percent of the poor in the developing world (Ghana being one) live in rural areas and depend directly or indirectly on their access to land to address livelihood needs (IFAD, 2011).

Ghana is one of the countries in Africa that has taken to land reforms in recent years. The reforms aim to “stimulate economic development, reduce poverty and promote social stability by improving security of land tenure, simplifying the process for accessing land and making it fair, transparent and efficient, developing the land market and fostering prudent land management” (Ghana Government, 2003: 3). This is not the first time, though, that Ghana has attempted land reforms, as various other attempts were made in 1889 during the colonial period and in the 1950s, 60s and 70s during the immediate post-colonial period. The current reform initiatives were instituted in 2002/2003 as part of the neoliberal imperatives for economic reforms imposed by the World Bank on debtor countries. Given this understanding therefore, this study focuses on the relationship between land reforms in Ghana and its impacts on the ability of poor land users to live meaningful lives and exit poverty.

1.2 Land Tenure Reforms in Ghana

Land tenure reforms in Ghana are traced to the colonial period, during which a number of reforms were attempted albeit with varying degrees of success. Aryeetey (2007) indicates that the colonial land reform initiatives sought to nationalize land in favour of

British economic interest, a process pursued through recourse to legislation and the courts to resolve tenure problems and land disputes. This legalistic posture of the state continued into the post-independence era with the promulgation of fragmentary laws and the establishment of multiple land administration institutions to govern land sector problems. As land sector problems multiplied in the 1970s and 1980s, the debates on how to fashion appropriate land tenure systems for the country also intensified. Arguments centered on the continued relevance of customary land tenure systems to the attainment of the needed investments in agriculture and other productive land use activities. From the 1990s to date, the land tenure reform discourse in Ghana has tended to focus on whether incremental reforms would better serve the interest of land users than the piecemeal approaches of the past (Aryeetey, 2007). This sub-section briefly chronicles the colonial and post-colonial land tenure reform efforts of Ghana.

1.2.1 The colonial period

In seeking to improve commercial agricultural production, exploit timber and mineral resources and boost British Colonial enterprise, the colonialists saw pre-colonial land tenure relations built around collective land ownership and the practice of shifting cultivation as an impediment (Aryeetey, 2007). As a result land tenure relations emerged as one of the major preoccupations of the colonial authorities, whose concern was basically about how to modify the system in their favour rather than transform it altogether. The first major attempt at reforms emerged when a Commission of Commercial Agriculture in the Gold Coast, at its maiden meeting in 1889, identified the land tenure regime and use patterns as the major obstacles to the adoption of commercial agriculture. The Commission was critical of the customary practice which hindered the attainment of freehold rights in land and the farming practice of shifting cultivation, which they perceived as primitive. There was, however, a shift in goal-post when it came to the realization of the colonial authorities that chiefs were

willing to lease out land for mining purposes (Aryeetey, 2007). Conclusively therefore, it is the case that colonial land reform initiatives were driven purely by the economic interests of the colonial masters. It suffered setbacks, however, due the communal land governance systems that prevailed in the colony. Notwithstanding, the setbacks were overcome due to the rent seeking behavior of the traditional chiefs.

1.2.2 Post-colonial land tenure policies

At the attainment of independence, two major pieces of legislation were passed to regulate land tenure issues in Ghana. The legislation sought to assert state control and administration over lands under communal ownership and to address the contradictions that resulted from the modifications made to communal land tenure systems by the colonial authorities. During this period, the new administration saw the institution of chieftaincy as a threat to effective governance and initiated measures aimed at weakening the chiefs' financial base – the source of their power. The government therefore instituted measures to weaken the perceived closeness (power base) of the chieftaincy institution to society, thereby lessening the strong controls they had over both land and society. As a result, legislation was enacted transferring the management of stool lands (lands under the customary allodium of chiefs) and stool revenues – the source of financial power of the chiefs – from the local courts of chiefs to newly established local councils (Local Government Units). In fulfillment of this objective, key pieces of legislation such as the Local Government Ordinance 1951; the State Council (Ashanti) Ordinance No. 4, 1952; the State Council (Northern Territories) Ordinance No. 5, 1952; and the State Council (Colony and Southern Togoland) Ordinance No. 8, 1952 were enacted (Aryeetey, 2007). While these pieces of legislation were not explicit in intentions, others such as the *Akim-Abuakwa* (Stool Revenue) Act 1958 (Act 8), the *Ashanti* Stool Act 1958 (Act 28) and the Stool Lands Control Act 1960 (Act 79) explicitly vested the

powers of control, regulation and acquisition and use of land for public and private purposes as well as the collection and use of stool revenues in the state apparatus (Aryeetey, 2007).

These pieces of legislation were Government's biggest attempt at land tenure reforms in the immediate post-colonial era. The interventions, however, failed because government adopted a rather cautious approach to the implementation of the laws fearing the repercussions should the powerful local chiefs revolt (Aryeetey, 2007). Subsequently, there were other post-colonial interventions ranging from the enactment of the Rent Stabilisation Act 1962 (Act 109) (amended in 1963 and 1965) and related legislative instruments; Farm Lands (Protection) Act 1962 (Act 107), which sought to protect peasant farmers whose land titles were defective; the Land Development (Protection of Purchasers) Act 1962 (Act 2), which sought to protect people whose titles were found to be defective after they had erected structures on the lands; and the Land Title Registration Law of 1986 (PNDCL 152), among others. The gains made over the post-colonial period in nationalizing land were reversed by the 1969 and 1979 constitutions which relinquished the state's interest in communal lands (Aryeetey, 2007; Tsikata, 1984; Woodman, 1996).

1.2.3 Recent attempts

The desire to reform land tenure is still a priority issue of the Government of Ghana. This is because it has been argued (Economic Commission for Africa, 2004; Platteau, 1996) that the main cause of growing rural poverty, poor agricultural performance and decreasing levels of economic performance in African countries is the persistence of farming systems based on customary tenure. Aryeetey (2007) contends that renewed efforts resurfaced in the 1990s, driven by the view that incremental land reforms can trigger investments in land and agricultural development in general. He further indicates that the land reform efforts began in 1994 when government initiated the process of formulating a National Land Policy (NLP). By 1997, a draft policy was put forward for discussion at a national stakeholder's workshop,

and a final policy was approved in 1999. He points out that as part of efforts to implement the policy, the Land Administration Project (LAP) was developed between 2002 and 2003, and the first phase of the project was implemented from 2003-2008. The second phase of the LAP is still under implementation. These two initiatives are seen by Gyasi (1994) as a departure from the piecemeal approaches of the past and are said to reflect decades of debates about the problems of the land tenure environment, their impacts on agriculture and how to resolve them.

Phase I of the LAP began in 2003 and ended in 2008, and phase II is currently being implemented. LAP I focused on legal and institutional reforms as well as land administration pilots. LAP II is focused on consolidating and strengthening urban and rural land administration systems by deepening systems/institutional integration and broadening the geographical coverage of their interventions. The LAP is being implemented with a World Bank loan of US\$20.5 million and supported by the Canadian International Development Agency (CIDA), the UK Department for International Development (DFID), the German Technical Cooperation (GTZ), the German Development Bank (KfW) and the Nordic Development Fund (NDF). The project had an estimated budget of US\$ 55.05 million (Ghana Government, 2003).

The NLP and the LAP seek to ensure equity and efficiency in land allocation and land holding in order to maintain a stable environment for sustainable social and economic development. Equity and efficiency are to be realised within a system of title registration, accompanied by land use planning to harmonize socio-economic development in space. Again, the policy lays out the need to enhance land market operations by instituting measures to reduce inefficiency and corruption, bring land disputes and conflicts under control and decentralize land administration services to the local level (Ministry of Lands and Forestry, 1999). As such the key indicators for measuring progress towards the realization of the goals

of the NLP and the LAP are the establishment of at least 50 customary land administration units; one-stop-shop centres (governmental departments where all land related issues can be resolved) in at least three regions; at least 10 NGOs involved in the promotion of local level land administration and management; titling and registration of 300,000 parcels of urban land to individuals, and at least 80 allodial titles to stools, skins, *tendambas* (First Settlers), clans and families; and reduction in the over 35,000 land cases in the courts (Ghana Government, 2003: 3).

1.3 The Research Problem

The National Land Policy (NLP) of Ghana and the Land Administration Project (LAP) were formulated to respond to a number of land sector problems. These ranged from land market imperfections to boundary disputes and governmental exercise of its powers of eminent domain, culminating in a poor land administration system (refer to Table 1 below). It was argued that these problems had adverse impacts on investments in the land and natural resources sector of the country. As such it can be argued based on the goals and objectives of the LAP that promoting investments (efficiency outcomes) as opposed to equitable land access (equity outcomes) in the land and natural resources sector is the main trigger of governmental interventions into land reforms in Ghana. It is, however, the case based on empirical studies by Platteau (1996), Blotcher (2006), Payne (2007) and Adams et al. (1999) that equity considerations in land reforms are as relevant as efficiency concerns when seeking to solve “wicked problems” as those encountered in the land and natural resources sector of Ghana.

Box 1: Land Sector Problems of Ghana

-
1. General indiscipline in the land market characterised by encroachments, multiple sales, etc.
 2. Indeterminate boundaries of stool/skin lands, resulting directly from the lack of reliable maps/plans, and the use of unapproved, old or inaccurate maps.
 3. Compulsory acquisition by government of large tracts of land which have not been utilised and for which compensation has been delayed.
 4. Inadequate security of land tenure due to conflicts of interest and slow disposal of cases.
 5. Difficult access to land for agricultural, industrial, commercial and residential development purposes due to conflicting claims to ownership, and various outmoded land disposal procedures.
 6. Weak land administration system characterised by lack of comprehensive land policy framework.
 7. Lack of consultation with landowners and chiefs in decision making for land allocation and development.
 8. Lack of consultation, coordination and cooperation among land development agencies.
 9. Inadequate coordination with neighbouring countries in the management of international borders.
-

Source: Ministry of Lands and Forestry (1999: 3-4)

Before the implementation of the NLP and the LAP, questions were raised (Agbosu, 2004; Kasanga & Kotey, 2001; Whitehead & Tsikata, 2003) about the pro-poor potential of the land tenure options proposed in the policy documents. The debates, however, centred around the egalitarian/community and the hierarchists/state dichotomies. Kasanga & Kotey (2001) contend that the public land system of Ghana is unjust, inefficient, inequitable and unsustainable. They further indicate that the agencies entrusted with the responsibility for managing state lands are engulfed in pervasive corruption due to low morale and lack of support services. On the other hand, Agbosu (2004), observes that it is only the state that has the capacity, in terms of skills, knowledge and resources required for a meaningful administration of land resources in Ghana. The customary land tenure system, it is argued (Kasanga & Kotey, 2001; Mends & Meijere, 2006) suffers from breakdown of the trusteeship ethos resulting in landlessness, homelessness and endemic poverty and general insecurity of tenure for men and women alike; and transactions in land are often messy and uncertain because most lands are vested in local chiefs. The conclusions from these diametrically opposing views, therefore, are that both the state and customary tenure systems have the

tendency to hurt the poor. As such the LAP was designed to focus on market oriented approaches to land delivery, to the neglect of state and/or community driven initiatives.

In the wake of these developments it is also important to question the extent to which the proposed land reform initiatives are supportive of established communal processes governing resource access and utilisation. In this regard a number of authors (Aryeetey, 2007; Bugri, 2004; Whitehead & Tsikata, 2003) have already raised issues with the consultative processes that led to the policy formulation; the lack of attention to the land rights of women farmers, young people and migrant farmers; the seeming absence of a clear pro-poor vision; the neglect of the importance of secondary land rights; as well as the inconsistencies in the policy goals. It is variously argued by these authors that, although, these categories of land users make substantial contributions to agricultural production, farm labour and economic development, they are considered “invisible” by the NLP and the LAP.

A decade into the implementation of the NLP and the LAP, this research sought to understand the impacts (negative and positive) of the reforms on the land rights and long term sustainable livelihoods of women farmers, pastoralists and migrant farmers. It is important to indicate that while some of the criticisms raised about the NLP and the LAP point to the neglect of the land rights of women farmers, pastoralists and migrant farmers in the land tenure reform processes, there is very little empirical enquiry to date in the Ghanaian context, to ascertain the accuracy or otherwise of those claims. This study is geared towards filling that important gap on land reforms in Ghana in particular and the developing world in general, and contributes to the understanding of how land reforms improve or hurt the living conditions of the poor.

1.4 Justification/Rationale for the Study

There are several land reform initiatives currently underway in many countries in Latin America, Asia and Africa. These reforms often aim to increase land productivity and/or enhance equity in resource distribution (Bruce, 2006; Economic Commission for Africa, 2004). A number of studies (Adams *et al.*, 1999; Nyamu-Musembi, 2006; Payne, 2007) have, however, provided evidence to support the claim that reforms do not necessarily address real livelihood concerns and may even worsen the plight of the poor, particularly when they seek to liberalise the land market. Given that land reforms in Ghana aim to liberalise the land market in support of private investments in land and natural resources, it is imperative to undertake a detailed study to ascertain the impacts of such reforms on land users, focusing on disadvantaged groups in particular.

There is also a growing literature on land studies about Africa, and this has widened to include a focus on the relationship between land tenure regimes and the livelihoods of the poor (Amanor, 1999; Pottier, 1999; Quan, 1998; Toulmin & Quan, 2000; Yankson *et al.*, 2009). It is noteworthy to indicate that this subject has been explored in various ways in the Ghanaian context, albeit with considerable gaps yet to be filled. A number of land related studies have been carried out in the Ghanaian context over the last few years. These include land reforms and vulnerabilities (Yankson *et al.*, 2009), land market liberalization (Tsikata & Yaro, 2011), the politics of land reforms (Aryeetey, 2007), legal and institutional issues in land policy reform (Aryeetey, 2007b) and the organization of land markets in Ghana (Aryeetey, 2007). These studies have generally centred on how to ensure that transactions in land are efficient, fair and secure for the majority of the people, ignoring equity concerns and the importance of land to land-based actors such as women farmers, pastoralists and migrant farmers who depend directly and indirectly on the land and the existing tenure relations to make ends meet. This unexplored space is the area of concern in this research.

The poor growth of the agricultural and natural resources sector in Ghana and elsewhere in Africa, accompanied by chronic food insecurity, is blamed on a land tenure system that is predominantly egalitarian and less supportive of private investments. Inspired by this view, many countries including Ghana have initiated and implemented a variety of land reforms with a general trend towards market-oriented access to, and privatization of, land through private/community based entitlements, on the premise that individualized tenure systems offer better certainty in land rights. These positions have been challenged on the basis that such single-solution approaches obscure opportunities for reforms and that local communities in rural Africa have traditionally been able to provide secure land rights (Adams *et al.*, 1999). Given the current policy direction of Ghana based on neo-liberal economic principles and the liberalization of the land market, it has become imperative to revisit the debate on land tenure reforms and its relevance for enhancing livelihoods of marginal land users and propelling national development.

This study focuses on land stressed land based actors such as women farmers, pastoralists and migrant farmers. The land stressed are defined as a group of people whose land rights are undefined and therefore unclear. Land-based actors are individuals whose socio-economic activities are dependent on their continuous access to land and natural resources. Women farmers, pastoralists and migrant farmers were the focus of this study because while women constitute about 51.8 percent of agricultural labour in Ghana (Ministry of Food and Agriculture, 2011); and make substantial contributions to agricultural production; women are understood to be disadvantaged by both customary and statutory land tenure arrangements resulting in less than optimal rights to land, water and other natural resources (Agarwal, 1994; Kevane, 2004; Lastarria-Cornhiel, 1997). Again, pastoralism contributes 9 percent of the nation's agricultural gross domestic product (Asafo-Adjei & Dantankwa, undated). Conservative estimates also suggests that there are about 1.3 million head of cattle

in Ghana raised mainly through agro-pastoralism and 98 percent of crop farmers in Ghana keep livestock as an insurance against risk of crop failure (Asafo Adjei & Dantankwa, undated). In spite of the relevance of pastoralism to the Ghanaian society, pastoralism is often maligned by policy makers and environmentalists as a primitive practice in comparison with crop cultivation (Hardin, 1968; Nori *et al.*, 2008; Tonah, 2002). Migrant farmers are also land stressed because African land policy initiatives in the colonial and contemporary times erroneously equate the tribe to the community, making it difficult for migrants to access land (Moyo, 1993). This is contrary to African practices in the pre-colonial and immediate post-colonial era where the status and wealth of heads of kin was directly related to their ability to politically incorporate migrants as their followers (Economic Commission for Africa, 2004).

Finally, while the current land reform processes seem to ignore the issue of rights, Ghana's constitution gives recognition to the land access and use rights of various land based actors based purely upon a rights based reasoning. Land access rights as used in this study refer to the right to enter a parcel of land, while land use rights refer to the right to enter a land area and remove resources such as timber, firewood, as well as other edible and non-edible forests resources (Larson *et al.*, 2010). In poor rural communities in Ghana, the unimpeded right to the access and use of land resources is important for enabling the poor to meet livelihood needs. Constitutionally, women farmers, pastoralists and migrant farmers have inalienable rights to land for productive activities in Ghana. Article 36 (8) of the 1992 Constitution of Ghana categorically states that:

“The state shall recognise that ownership and possession of land carry a *social obligation* to serve the *larger community* and, in particular, the state shall recognise that the managers of public, stool, skin and family lands are *fiduciaries* charged with the obligation to discharge their functions for the benefit respectively of the *people of*

Ghana of the stool, skin or family concerned, and are accountable as fiduciaries in this regard” (Republic of Ghana 1992: 34) (my emphasis).

This bold constitutional proclamation projects a rights based approach to land access over economic goals. It is therefore, important to understand the extent to which land reforms along the neo-liberal paradigm as designed and implemented since 2003 are contributing to shape land rights; particularly for marginal land users in Ghana. While the research focuses on the Ghanaian context, the outcomes will be useful for policy makers and land reformers pursuing varying approaches to land reforms across the developing world.

1.5 Research Questions

It is established from the foregone discussions that there are increasing land reforms across the developing world. These developments raise questions about the local dynamics around land access and use rights; how the reforms relate to established communal practices over land access and use; the specific roles of governments and other external actors in land reforms as well as the implications of planned interventions for rural livelihoods and poverty reduction. This study sought to respond to these emerging concerns. Principally therefore, the role of the traditional chieftaincy institution for organizing land access and its evolution over time due to central governmental interventions was the fulcrum for detailed inquiry. That then enabled an examination of the access arrangements and their responsiveness to the land access needs of diverse land actors with particular interest on the land stressed. Broadly the research sought to answer the question: what are the impacts of land reforms on the land access and use rights and thus the livelihoods of poor land users? The following specific research questions guided the study:

1. What are the impacts of land reforms on the land access and use rights of women farmers in the Nkoranza South Municipality?
2. What are the impacts of land reforms on the land access and use rights of pastoralists?

3. What are the impacts of land reforms on the land access and use rights of migrant farmers?
4. What are the impacts of land reforms on the livelihoods of women farmers, pastoralists and migrant farmers?
5. What are the effects of land administration reforms on the local systems and institutions that currently manage common property resources?

1.6 The Study Area

The research was conducted in the Nkoranza South Municipality (NSM). The Nkoranza South Municipal Assembly, until 2008 the Nkoranza District Assembly is centrally located (Longitudes 1°10'W and 1°55'W and Latitudes 7°20'N and 7°55'N) within the *Brong-Ahafo* Region. It is approximately 79km from *Sunyani* the regional capital of *Brong-Ahafo*. The district shares boundaries with *Nkoranza* North District to the North, *Techiman* Municipality to the West, all of which are in the *Brong-Ahafo* Region and *Offinso* North and *Ejura-Sekyere-Dumase* (in *Ashanti* Region) to the South and South-East (Nkoranza South Municipal Assembly, 2010).

Nkoranza was chosen for the study after desktop studies and preliminary field surveys portrayed it as the most appropriate case for understanding the complexities between land reforms and the livelihoods of marginal land users. Land reforms resulted in the pilot implementation of Customary Land Secretariats across 37 districts in Ghana, Nkoranza being one of them. Initial desktop studies showed that the NSM, *Dormaa* Municipality, *Ejura-Sekyedumase* Municipality, *Savelugu-Nanton* Municipality and *Builsa* District exhibited the features of interest to the research (the presence of migrant farmers, pastoralism and the active involvement of women in agriculture), albeit, variedly.

Savelugu-Nanton Municipality and *Builsa* District were immediately eliminated after it was established that the researcher cannot communicate in the local dialects of the people of those districts. This was important because the research issues can be adequately addressed in other districts without having to compromise on the need for first-hand information. Reconnaissance field visits (each taking three working days) were made to the *Nkoranza*, *Dormaa* and *Ejura-Sekyedumase* districts. While *Dormaa* had robust agricultural practices, in the areas of peasantry, commercial and non-commercial agriculture and poultry farming involving women, migrants and natives, pastoralism is not accepted in the municipality as a viable animal husbandry practice. *Ejura-Sekyedumase* also exhibited robustness in the various issues of interest to the research. However, while the Customary Land Secretariat was enthused about the research and followed-up with several calls in that respect, it was extremely difficult to obtain any form of data from decentralised governmental bodies. For example during the three-day reconnaissance survey, the Municipal Agricultural Directorate denied the researcher access to very basic agricultural data about the district simply on the grounds that the director was attending a workshop in the regional capital. Nkoranza South Municipality was selected after it was realised that about sixty-five (65) percent of the active labour force are farmers; about thirty (30) percent of the population are migrants, working either as hired pastoralists or farmers; and 48.9 percent (*Brong-Ahafo* Regional figure as opposed to NSM figure) of women are active land users both as commercial and non-commercial agriculturists.

Nkoranza South Municipal Assembly covers a total land area of 1,100km² and is composed of an estimated number of 126 dispersed settlements. The Municipality is fairly low-lying rising gradually from 153m to 305m above sea level. It lies within the transitional belt of Ghana and as such exhibits the characteristics of both the Southern forest zone and the Northern savannah belt. The Municipality experiences a bi-modal rainfall pattern with a

mean annual rainfall level ranging between 800-1200mm. The major rainy season occurs between the months of March to July, with the minor season occurring between September and November. The area experiences prolonged drought from December to March (Nkoranza South Municipal Assembly, 2010).

The Nkoranza South Municipality is predominantly rural. It is estimated that 53.8 percent of the total population live in rural areas, while 46.2 percent live in urban settlements. The dominant ethnic group (70 percent) is the *Bonos*, the indigenous people of the Area. While 80.2 percent of the population are Christians, 12 percent are Muslims and 6.6 percent are Traditional African believers. The extended family system is still a dominant cultural practice in the Nkoranza Municipality, although it is gradually giving way to the nuclear family system. Predominantly, inheritance is matrilineal and children are expected to inherit the properties of their uncles. This practice, however, is fast giving way to patrilineal inheritance. The traditional chieftaincy system remains the most powerful symbol of authority within Nkoranza (Nkoranza South Municipal Assembly, 2010).

Economically, the Municipality of Nkoranza is predominantly agrarian. The Agricultural sector employs 64.4 percent of the active labour force in the Municipality. It is followed by commerce with 16.3 percent; service with 11.1 percent and industry with 7.2 percent (Nkoranza South Municipal Assembly, 2010). Agrarian activities comprise both cultivation of crops and rearing of animals as well as commercial and subsistence farming. The major food crops cultivated include maize, cassava, yam, groundnuts, cowpea and tomatoes. It is estimated that a total land area of 61,344 hectares is under the cultivation of these major food crops. The animals reared are predominantly cattle, sheep and goats (Municipal Agricultural Development Unit, 2013).

Physically, the Nkoranza Municipality until recently was part of the forest zone of Ghana. Poor agricultural practices, bush burning and excessive timber exploitation have

combined to turn large sections of the municipality into a savannah ecosystem. As a result the Municipality is currently characterised by two distinct soil categories - one developed under forest vegetation and the other developed under savannah vegetation. Soils of the area are generally suitable for the cultivation of many different kinds of tropical crops (Nkoranza South Municipal Assembly, 2010).

Lands in the Nkoranza South Municipality are owned by families but vested in the chiefs symbolised by stools. Access to land is strictly by inheritance along family lines, rentals and/or outright purchase. The major natural resources available to the people are the relatively good agricultural soils, the natural rivers of *Pru*, *Fia* and *Afuofu* which offer potentials for the development of irrigation agriculture and reported gold deposits in the *Dromankese* area being prospected for by Newmont Ghana Gold Limited. While land is said to be readily available, high rents and soaring land values are making land inaccessible to the majority of small scale farmers. Indigenous households have also had to reduce fallow periods and adopt sedentary agricultural practices due to growing land scarcity (Nkoranza South Municipal Assembly, 2010). Figures 1 and 2 below show the NSM within the context of Ghana and as a municipality, on its own.

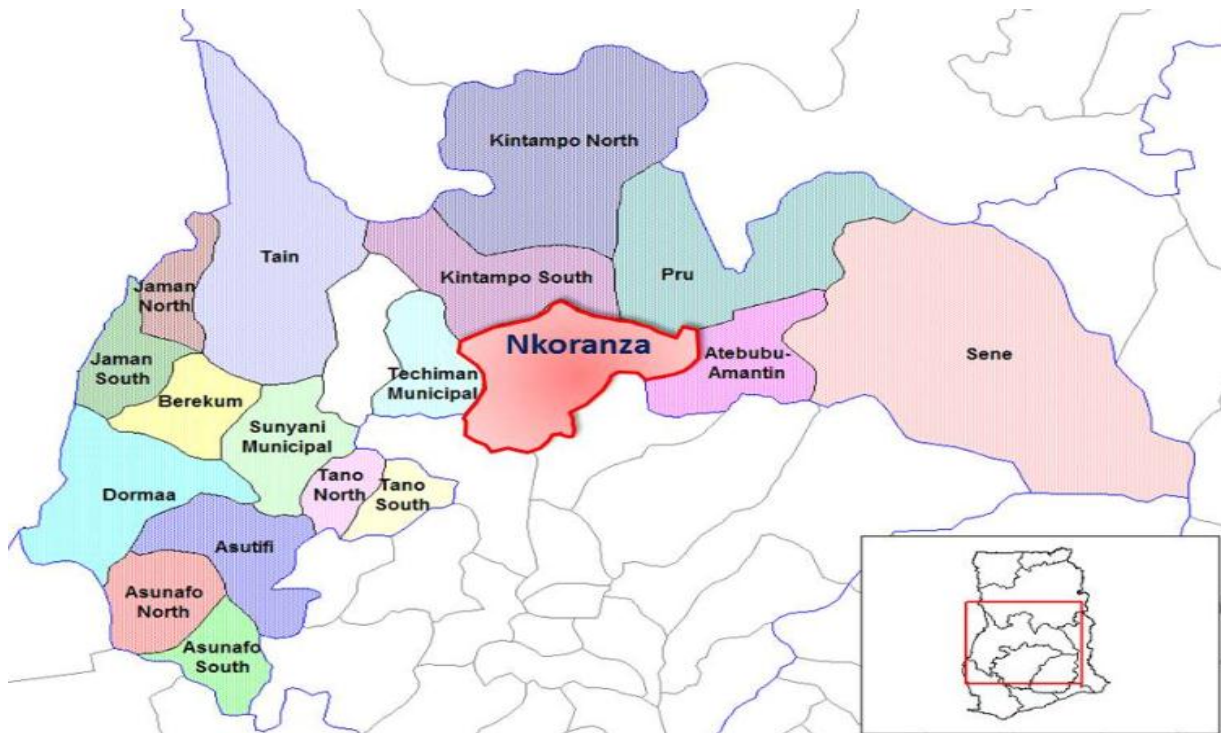


Fig. 1: Nkoranza South Municipality in National Context

Source: <https://www.google.com.gh/search?q=nkoranza> (last accessed 08/09/2015)

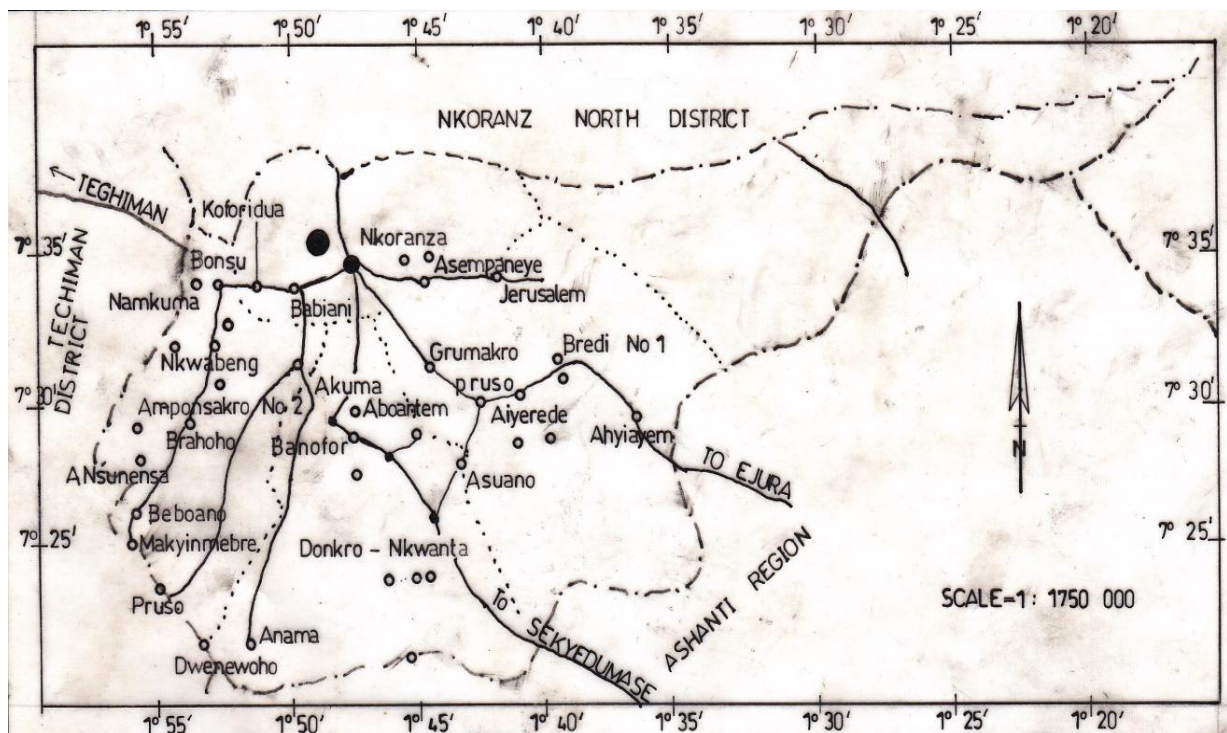


Fig. 2: Map of the NSM showing spread of communities

Source: Nkoranza South Municipal Assembly (2010)

1.7 Research Methodology

The research was conducted using a qualitative approach. This section examines the ontological, epistemological and axiological stance as well as the methods employed for this study. Ontologically, this research is situated within the notion that reality is the creation and/or construction of a group of actors in a given setting, in close interaction with each other (Klenke, 2008). This is because land is a complex resource that embodies not just economic and political interests and goals but equally conveys cultural and social realities. It is therefore within this ontological position that the phenomenon of land reform and its on-the-ground livelihood impacts can be understood. Epistemologically the research is seated within the social constructivists' tradition of knowing. Land issues are relativistic, and knowledge is socially constructed and experientially based; both are local and specific in nature. The social constructivists' tradition offers much latitude for knowing such a reality as it provides a nuanced way of unpacking the mental constructions and consensus about reality between and among the diverse land use actors.

Axiologically, the researcher's values and biases are drawn from professional training as a regional planner and a practitioner of development planning in various governmental, non-governmental and international development agencies. This professional positioning can have influence on the interpretations attached to reality. This is because professional planning education and practice puts more emphasis on efficiency considerations, over equity concerns. This notwithstanding, efforts were made (respect for sources of data/ handling data as objectively as possible) to ensure that the views of study participants were not misrepresented or distorted in the process of analysis. While subjectivity, creativity and innovation were required for the analysis of the qualitative data, respect for sources of data (people and documents) were vital to overcoming misrepresentation of information.

This study was carried out using qualitative research methods because land-poverty relations in rural communities exhibit subjective characteristics, requiring the use of in-depth and fluid measures as opposed to static and explanatory laws to explore the nuances involved. Literature distinguishes between two main types of research – quantitative and qualitative. According to McKereghan (1998) a number of factors are used to distinguish between the two – objectivity as against subjectivity; use of explanatory laws as opposed to use of in-depth descriptions; measurement of an assumed static reality as against an exploration of a dynamic and fluid reality and the assumption of universality and replicability on the part of quantitative approaches. The dichotomy between quantitative and qualitative research paradigms lead to assumptions, which according to Lee (1992: 88), “shape the aims of the research inquiry, the roles of the researcher and the researcher–respondent relationships”. The steeped notions of objectivity and subjectivity are the driving force behind the different ideological blocks of research. The study employed the qualitative approach because of the need to understand the fluid and interwoven relationships between land reforms and poverty.

This research was conducted using an ethnographic case study approach. This methodology was chosen because it is appropriate for understanding the evolution of land reforms within a bounded setting. It is also useful for combining the unique strengths of ethnography and case studies to overcome their relative weaknesses. Conclusively, the researcher attained a real life perspective of the research issues. An ethnographic case study also supported the presentation and interpretation of data through a socio-cultural lens. Although, there is no clear definition of ethnographic case study in the literature, it is construed as a merger of case study and ethnographic methods for detailed socio-cultural analysis of a phenomenon. It was used by Hill (1991) to study the situation of homeless women; Mosley-Howard & Evans (2000) on relationships and contemporary experiences; Angers & Machtmes (2005) on beliefs, context factors and practices of teachers and Dunning

(1970-71) on a study of land reforms in Ethiopia. Although the NSM case study is a particular case in the Ghanaian and developing country context, it portrays one tendency in land reforms and contributes to the growing debate over appropriate land reform systems in the global south.

Four main data collection methods were employed: interviews, observations plus photovoice, document investigation and Focus Group Discussions (FGDs). The methods were carefully chosen such that their unique strengths complemented each other while helping neutralise their weaknesses. For instance, while observation was used as a structured tool to enable an understanding of how much land was being used and for what purpose, the resulting data were fed into the interviewing and document investigations processes to probe further and clarify conflicting positions. Data gathered through the different approaches enabled interrogation of issues from multiple perspectives, ultimately enriching the overall outcomes. Table 1 below summarises the application of the different data collection methods in the context of the fieldwork.

Table 1: Application of Data Collection Methods

No.	Method	Target Participants/institutions/systems	Reason
1.	Observation/Photo voice	Land use systems; farming systems and practices; animal husbandry practices; socio-cultural practices; and land use change	Used to identify and capture issues that may not necessarily come up in interviews for further interrogation.
2.	Interviews	Local chiefs (2); Queen-mother (1) women (19); pastoralists (12); tenant farmers (15); cattle owners (3); sheep owners (3) and institutional heads (5)	Used in a semi-structured manner to collect data, confirm/deny data, analyse responses, probe responses and cross-check information.
3.	Document Investigations	Reports, development plans, legal instruments, maps, land registers of land sector agencies and NGOs	Used to corroborate or refute claims; and to provide information into interviewing processes
4.	Focus Group Discussions	Women (7); pastoralists (5); and tenant farmers (5)	Used to provide quick feedback on preliminary findings to the participants; and to iron out contradictory positions emanating from interviews and field observations

Source: Author's Construct, 2014

The number of participants in the study was determined based on the need to satisfy the variables of heterogeneity and saturation. Heterogeneity arises from the diverse nature of the actors, rights holders and users of land and natural resources and the need to fairly include each such group in the study. Saturation has to do with interviewing study participants to the point where the researcher is fairly confident that all the research issues/potential findings have been exhausted. When the variables of heterogeneity and saturation are the driving forces of a research, interviewing 15 participants, ± 10 is sufficient to attain quality (Creswell, 1998; Guest et al., 2006; Kvale, 1996).

In all, a total of 60 semi-structured interviews were conducted. These comprised 19 women farmers, 12 pastoralists, 15 migrant farmers and 14 land governance decision makers. Each interview took 30-45 minutes and was tape recorded when participants consented to it and detailed field notes taken. The interviews were conducted in 13 communities across the four agricultural zones of the municipality, namely: *Dotobaa* operational zone, *Nkwabeng* operational zone, *Nkwanta* operational zone, and *Ayerede* operational zone; with observations taking place in several other locations. These communities comprised: *Asekye*, *Nkwabeng*, *Asunkwaa*, *Sesiman*, *Dandwa*, *Bredi*, *Breman*, *Koforidua*, *Ayerede*, *Nkoranza*, *Nkwanta*, *Dotobaa* and *Babiani*. The respondents in the interviewing process were distinct groups and as such there were no overlaps between them. The migrant farmers were of Ghanaian descent, pastoralists traced their descent to other West African countries and all the women interviewed were indigenes of the Nkoranza area. Three (3) focus group discussions involving 7 women farmers, 5 pastoralists and 5 migrant farmers were also conducted. These were also tape recorded and lasted between 30-60 minutes.

The interviews were used to collect data on the demographic characteristics of study participants; their reflections on land, land reforms and the relevance of reforms for them as women farmers, pastoralists or migrant farmers; and strengths and weaknesses of alternative

land tenure regimes based on their experiential knowledge as well as data on household assets ownership. Focus group discussions, on the other hand, were used to verify, confirm and/or refute conflicting information emanating from interviews, field observations as well as document investigations. These discussions were also used to provide preliminary findings to a cross-section of the study participants. The unit of analysis was individual women farmers; pastoralists and migrant farmers. This is so because individual members of a household access and use land under different tenure arrangements. On some occasions, however, household-level data were employed to measure poverty/deprivation levels among study participants.

Data analysis went hand-in-hand with data collection. It began with perusals of data to establish patterns: conformities as well as asymmetries. Patterns emerging from the data provided an initial basis for inferences, analysis and further investigations. A matrix designed to enable this iterative process of investigation, asked: what did I need to know?; why did I need to know this?; what data was required to answer the research questions?; where can I find the data?; whom do I contact for access?; and when should I do what? This matrix formed the basis for designing interview schedules along thematic lines to effectively respond to the research questions. During the analysis stage, emerging patterns were examined, categorised, tabulated and combined, manually where necessary to respond to the research propositions. The emerging themes were therefore summaries of critical positions emerging naturally from informant's viewpoints. Voice recordings, field notes, and interview transcripts were then carefully perused to generate information for the various themes and sub-themes. The data analysis was manually carried out.

It is important at this juncture to discuss the differences among the study participants so as to enable an understanding of their land use and land rights dynamics. The study comprised 19 native women, 15 migrant farmers and 12 pastoralists. In terms of gender

breakdown, 27 male and 19 female participants were recruited. The female participants were mainly indigenes whose land use rights are perceived threatened by on-going developments in the customary land tenure system. The male participants were also drawn from migrant groups who are not members of the landowning communities. The respondents are also fairly distributed among the various age groups. Importantly, though, the majority of the participants (93.5 percent) were drawn from the economically active labour force group (18-64 years of age). Some (6.5 percent) of the participants who were below the economically active labour force group were also interviewed because there were several instances of the engagement of such minors as pastoralists. The 27 migrants interviewed were engaged in either food crops cultivation or animal rearing. All the migrant farmers were non-natives of Nkoranza, although they are Ghanaians. They comprised 7 people from the Upper West Regional communities of *Lawra*, *Duu*, *Tabiase*, *Dafiama* and *Wa*; 6 people from the Upper East Regional communities of *Bongo-Beo*, *Zorko*, *Tindonsobligo*, *Bawku* and *Tongo*; and 2 people from the Northern Regional communities of *Tatale* and *Salaga*. All the hired pastoralists (12) were from neighbouring West African countries of Burkina Faso, Niger, and Togo.

The people interviewed for this study are all active land users in one way or the other. The majority of the participants (73.9 percent) were engaged primarily in crop cultivation. These comprised the native women and the non-native Ghanaian migrants. The remaining 26.1 percent were primarily engaged in pastoralism and consisted of the non-Ghanaian migrants. In terms of secondary occupations it is interesting to realise that all the migrant farmers were engaged in other land use occupational activities. They raised all kinds of animals as an insurance against poor farm harvest. Some of the pastoralists also engaged in the cultivation of food crops such as maize as an income supplement. Interestingly, however, the native women farmers practiced other non-land use activities as their secondary

occupations. They were engaged in trading and hairdressing and those who were not doing this had no secondary occupations at all. This implies that, the livelihood activities of migrants are more land based than the natives of Nkorana. Access to land is therefore very important to the ability of migrants and pastoralists to live meaningful lives.

1.8 Linkage of Scientific Papers

This thesis is made up of five theoretical and empirical manuscripts organised into chapters to form a coherent piece of academic research. Paper 1 on *Systems Approach to Pro-poor Land Reforms* is presented in Chapter 2. This paper theoretically engages with the polarised views on land reforms in the academic literature. It identifies three key traditions which provide the theoretical basis for land reform initiatives. The paper argues that constructing land reforms based on the superimposition of community, state and/or private ownership models can have disastrous consequences for various land based actors. The conceptual paper fundamentally argues that land tenure systems of various countries are an embodiment of diverse influencing variables, ranging from legal cultures through to planning practices, socio-cultural belief systems and developmental and environmental goals. In line with the work of Chigara (2004: 39) the paper argues for an integrated, holistic and organismic approach to land reforms, involving all key actors on the grounds that “that which touches all must be agreed to by all”.

While paper 1 examines land reform theory, paper 2, presented in Chapter 3, looks at poverty theory and seeks to establish the appropriate realm within which land studies with poverty relevance should be conducted. Both theoretical papers provided a basis for the formulation of a conceptual framework for the empirical studies. Chapter 3 establishes that there are three key approaches for measuring poverty – income concepts, basic needs concepts and capability concepts. The Chapter then examines the relevance of each of these concepts for analysing poverty in land reform environments. The Chapter argues that land

issues are multidimensional; encompassing social, cultural, political and economic realities. Land reforms, however, have the potential to concentrate efforts on political and economic goals to the neglect of the social and cultural dimensions. The Chapter therefore concludes that given that both land and poverty issues are multi-dimensional in nature, poverty can be better understood in land reform environments using a multi-dimensional approach to poverty measurement. As such the capability approach is deemed appropriate for such an analysis. An analytical framework (The Capability Approach Applied to Land Reforms and Poverty Reduction) is proposed as an appropriate framework for analysing poverty in relation to land reform studies.

The three other papers are empirical papers organised such that they respond to the research questions. Chapter 4, presents the first empirical paper which examines the impacts of land reforms on land rights change. It seeks to respond to the first three research questions about the impacts of land reforms on the access and use rights of women farmers, migrant farmers, and pastoralists. The paper presented in Chapter 5 responds to the fourth research question about the livelihood impacts of land reforms. It uses empirical data on household livelihood assets within the Welfare Composite Index to examine the impacts of land reforms on the livelihoods of the land stressed. The third empirical paper, in Chapter 6, then looks at the unique situation of pastoralists in terms of both land/pasture access rights and implications for pastoral livelihoods. The final research question, which is about the impact of land reforms on customary land governance institutions, is discussed in all three of these empirical chapters.

The paper presented as Chapter 4 is based on fieldwork conducted in the Nkoranza South Municipality of Ghana between June – August, 2013. The Chapter examines the impacts of land reforms on the ability of poor land users to access and use land resources. It utilises the capability framework for measuring poverty in land reform environments,

developed in Chapter 3, to examine the real opportunities available to land stressed land actors in the NSM to exercise their rights of access and use over land. Examining the social conversion factors (public policies, social norms and powers structures and relations) associated with land reforms in the NSM, the paper details the extent to which land reforms inhibit and/or enhance the ability of the land stressed to attain beneficial functionings, in the form of access to and use of land. It argues that land reforms that are neo-liberal in orientation expose the resources of hitherto close-knit communities to metropolitan capital investments and global commodity demands. These weaken the ability of land stressed actors to effectively engage in the land market. As such their land access and use rights, which were formerly driven by community dynamics, are now driven by monetary incentives. These limit the rights of the land stressed to access and use land and can have serious consequences for local livelihoods.

The paper presented as Chapter 5 seeks to understand the relevance of land reforms for rural livelihoods. This paper utilises the analytical framework developed in Chapter 3 to provide evidence from the field to support the claim that land reforms that have neo-liberal inclinations can worsen the poverty/ deprivation state of the poor. This analysis is achieved using household level data of study participants sub-categorised into ownership of durable goods, housing characteristics and education. The paper initially argues that land reforms as being undertaken in the NSM seek to replace communal land tenure systems with private systems, drawing generally from conclusions of Chapter 2. The paper then uses indicators drawn from the Welfare Composite Index (WCI) to assess the impacts of land reforms on poverty/ deprivation in the NSM.

The paper concludes that while poverty alleviation remains the goal of development interventions in the developing world, land reforms in Ghana can have adverse consequences for the poor. This is because the poor land based actors in the NSM are heavily dependent on

land to meet livelihood needs, possess minimal to no technical skills and possess minimal capital and livelihood assets. Liberalising the land market, therefore, exposes the poor to a competitive resource access regime to which they are unable to effectively participate. Land reforms, however, can be made pro-poor; if they are part of broader development initiatives that seek to strengthen voice and accountability, promote inclusiveness, and enhance accountability around communal resource use.

The final empirical paper in Chapter 6 examines the contestations over pasture resources in the NSM under the conditions of changing land governance systems as well as communal dynamics in Ghana. This paper utilises the concept of basic capabilities espoused in Chapter 3 as the framework for data analysis. Within such an analysis, the study focused on examining the freedoms that pastoralists have under the emerging land governance system to engage in the basic activities (grazing animals) that provide an escape route from poverty. The paper observes that land reforms has led to growing individualisation of land resources leading to a disappearing commons and restrictions over entry into leased fallow lands. Pastoralism, which traditionally depended on access to the commons, has come under severe stress and there are growing contestations between farmers, land owners and pastoralists.

The final paper argues that the problems facing pastoralism are compounded by the lack of attention to the relevance of pastoralism to the national economy. There is no mention of pastoralism in the national land policy document and no efforts to alleviate the problems that pastoralists go through in seeking pastures for their animals. The study recommends that land reform initiatives should build on sustainable communal land tenure practices by enhancing local land use dynamics and cultures and increasing participation over land use decision making.

1.9 Conclusion

Following from this brief introduction, is the presentation of the various scientific papers. These are presented as exact copies of the original manuscripts. The presentation follows the arrangement proposed in sub-section 1.8 above. It comprises two conceptual papers and three empirical papers based on fieldwork findings. Chapter 7 then examines the policy and theoretical implications of the study and draws a general conclusion.

Systems approach to pro-poor land reforms: A concept paper

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This Chapter is a slightly modified copy of the journal publication referred to above.

Abstract: There has been renewed interest in the academic discourse on land reforms due to recent high profile works suggesting a positive correlation between reforms and poverty reduction. Land is held under different tenure regimes in different regions, countries and communities. These are often in the form of community tenure, state tenure, individual tenure or a mixture of two or three of them. However, land reformers are in constant debate as to which of the three offers the most appropriate pathway to poverty reduction. The policy outcomes of such debates have been to superimpose one tenure option over the other in differing situations. This article conceptualises a metaphorical approach to land reforms grounded on general systems theory. It advocates for contextualised methodological rigour and an approach to land reforms reliant on the influencing variables of alternative land tenure regimes as opposed to wanton superimposition of one form of tenure over the other.

Keywords: Land tenure system, Pro-poor land reforms, Drainage system and general systems theory

1.1 Introduction

Land is a key factor of production. In its corporeal and incorporeal terms, land is the basis of our existence. It is a store of wealth for individuals, groups and communities and the source of production of food, fibre, fuel and other biotic materials for human consumption. Economists, since the days of Adam Smith have perceived land together with labour, capital and entrepreneurship as the core factors of production.

The centrality of land to the human race means that there must always be alternative ways of allocating land resources in a manner that is equitable and efficient. This raises the question of land reforms ... “the generic term for modifications in the legal and institutional framework governing land policy” (FAO, 2003, p. 69). Different countries the world over

have at one point or the other attempted to reform land tenure relations as a way of realising desired changes in a changing national, political, economic and social environment. It is against this background that Bruce recalls that:

“The role of land tenure—property rights in land—has been a major preoccupation in development discourse from the time of giants like Adam Smith and Karl Marx through to today’s luminaries, such as Hernando de Soto. In spite of their substantially different perspectives, none of these worthies ever doubted the critical importance of land and property rights in the development process” (Bruce, 2006, p. 1)

According to Needham (2006, p. 42) Property theory has often distinguished between four main kinds of property—private property, public property, common property and non-property. Suffice it to indicate that these property classifications are also construed by land reformers as private tenure, state tenure and community tenure and management over land and natural resources. In this paper, land tenure would be used broadly to encompass property and/or land ownership. This understanding is reflected in the observation by FAO (2003, p. 20) that “the land tenure system in a given jurisdiction comprises the set of possible bases under which land may be used”. FAO (2003, p. 20) equally observes that these comprise both rural and urban tenures and encompasses “ownership, tenancy and other arrangements for the use of land”. Demsetz (1967) distinguishes between the three forms of land tenure types governing reforms. He indicates that under communal tenure, the community wields the power to determine who exercises communally owned rights over land. In exercising these rights, the community can deny the state and other individual citizens the right to interfere with the rights of persons enjoying communally owned rights. Private land tenure, on the other hand, empowers an individual citizen to exclude others from exercising the owner’s private rights. The community and/or state recognise and respect the exclusionary rights of the private owner. Under state tenure, the state, reserves the right to exclude anyone from the

use of a right through the recourse to accepted political procedures. Interestingly, these rather steeped notions of tenure have also largely become the basis for land reforms in the world.

This article questions the growing need to tackle land reforms from the position of one dominant theory or the other, without necessarily looking at the influencers of land tenure systems. This need arises because the various tenure reform initiatives have achieved successes and failures in equal measures under differing conditions. Ostrom (1990) catalogues the successes and failures of egalitarian systems in places as disparate as Switzerland, Japan, Spain and the Philippines; de Soto (2000) claims capitalism “triumphs” in the west because of libertarian land tenure systems while the Commission on Sustainable Development (2008) reveals the pro-poor potency of public tenure regimes.

The issue is that land policy formulation and implementation is approached as a “muddling-through” exercise. This is the case whereby one reform approach is mooted, experimented and discarded for another when the desired results are not realised. In this regard therefore, it is perhaps better to “muddle-through” existing systems in an attempt to attain equity and efficiency in the land environment than resort to wholesale changes and superimposition of one tenure system over the other. This claim represents the overarching position of this paper.

The article is divided into two broad sections. In section one; I will explore the three dominant positions on land reforms—individual, state and or community tenure of and management of land. I will also briefly delve into their merits and demerits as espoused by their popularisers. I will move on to provide a brief account of the emerging issues on land reforms emanating from the literature. In the second section, the metaphor of a geomorphological drainage system will be introduced, discussed and suggested as an alternatively superior approach to pro-poor land reforms. Summarising thoughts from the debates, I argue that efforts to land reform approaches are not mutually exclusive and that it

is time to examine reforms in a contextualised and systemic manner. I will then open up the debate to other academic and land policy researchers.

1.2 Dominant Land Reform Positions

Land reforms can entail one or more of several interventions, implemented broadly in a complementary manner or phased out into various components and over longer time periods. The World Bank (2005, p. 17) distinguishes between the following as measures often undertaken to reform land tenure relations:

- market driven privatisation of land rights;
- formal acknowledgement of land rights derived from occupation and use;
- conversion of one legal regime to another;
- introduction of a land registration system or alteration of the documentation of rights from one system of registration to another;
- introduction or strengthening of land valuation and taxation practices;
- establishment or improvement of land use planning and regulation, including land consolidation and reordering;
- development or enhancement of dispute resolution approaches; and
- changes in organisational structure and or procedures.

Platteau (1996) observes that reforms of whatever nature seek to either achieve efficiency and/or equity in the land use environment. He indicates that there are three idealised and diametrically opposing views as to the best possible way to achieving these goals. These are private/individualised approach, state/hierarchical approach and communal/egalitarian approach. Under private/individualised systems rights to land are held privately, whether individually, jointly or corporately. Under state/hierarchical systems, however, rights to land are vested in and negotiated by the bureaucratic machinery of the

state while under communal/egalitarian systems, rights to use land resources are communally held (FAO, 2003).

A review of the approaches proposed by the World Bank reveal that the first four all have to do with providing titles in one form or the other to various categories of rights holders to land and the commodification of land resources. These arrangements broadly fall under the private/libertarian view to land reforms. The fifth, sixth and eighth arrangements can be categorised under centralised governmental planning and administrative arrangements that strengthen the governability and tax mobilisation position of states. It is largely an intervention mechanism under state/hierarchists arrangements. The third and seventh arrangements involve titling communal land and improving dispute resolution mechanisms and can rightly be classified under community/egalitarian arrangements. These measures have also received varied theoretical reviews and interpretations. Proponents and/or advocates of the various views of each of these dominant approaches perceive their claim as the most appropriate way to attain harmony in the land and natural resources environment and reduce poverty.

The libertarians (Cooter, 1982; de Soto, 2000; Demsetz, 1967; The World Bank, 2002, 2013) argue that efficiency and or equity can only be realised under conditions of privatised tenure. Their arguments are constructed along Hardin's tragedy of the commons thesis that, that which belongs to all has the least care bestowed on it. The proponents of private ownership of land rights argue that it is the only way of ensuring the internalisation of beneficial and harmful effects emanating from land use.

de Soto (2000), one of the leading proponents of libertarian principles in pro-poor land reforms in contemporary times posits that it is only within the legal environment that the poor would have the framework to turn their assets into capital. He argues that the absence of essential representations such as deeds, titles and statutes of incorporation are the reasons

behind the failures of the domestic economies of developing countries. The central issue in de Soto's argument is that privatised land holdings enable land owners to mortgage land as collateral for loans, and also invests in making it productive. This is the underlying principle of the individualist approach to pro-poor land reforms.

The World Bank (2002) supported the views of de Soto by arguing that poor people in the developing world, without formal title to their land are unable to use it as collateral to access credit. They conclude that, formal title to land can increase access to credit and lead to increases in investment in land. In its most recent report on Africa titled *Growing Africa: Unlocking the Potentials of Agribusiness*, the World Bank (2013) argues that until the land rights of communities and individuals are formalised, and governance of land resources enhanced, agribusiness in Africa will continue to falter.

Hierarchists (Banik, 2008; Commission on Sustainable Development, 2008; Morsink, 1999) on the other hand argue that the most efficient way to deliver land to the poor is through state negotiation of the processes. Locke, for example, contends that the state has the ultimate responsibility to ensure equitable land delivery by virtue of its role as an arbiter and mediator under social contract theory (Locke, 1698 cited in Davy, 2009). The position of the hierarchists in seeking secure, pro-poor land rights for all, is expressed in terms of rights:

“With all due respect to customs and traditions, it is each government's obligation to ensure that land management is not discriminatory, particularly with regard to women and the poor, and does not violate other human rights” (UN Habitat & GLTN, 2008, p. 12).

The position of the hierarchists is that the state must intervene presumably through spatial planning, legislation and land policy in the equitable delivery of land resources to various socio-economic actors. The Commission on Sustainable Development (2008), who support this view and are seemingly at the forefront of this debate in recent years, have

indicated that with growing population pressures, economic development and urbanisation driving demands for food, water, energy and raw materials, it is imperative for national governments to plan the sustainable delivery of land resources in an integrated manner that addresses the needs of varied interests groups.

A third group; the egalitarians (Dolšák & Ostrom, 2003; Ostrom, 1990; Ostrom et al., 2002), perceive land as a common pool resource and argue that access to land is better facilitated by local communities. Ostrom (1990) observes that we are often too quick to prescribe that either the state or the private sector takes up the management of natural resources to prevent their destruction. She argues, however, that neither the state nor the market has been successful over the years in uniformly ensuring long-term sustainability in natural resource use and that communities have achieved relative success in the governance of resources over longer time periods by relying on institutions other than the state or the market (Ostrom, 1990, p. 1). The egalitarians have often argued that privatising and/or commercialising land resources have the potential of destroying the social fabric of communities as it replaces community principles of cooperation and solidarity with those of competition (Long et al., 1999).

The Heinrich Böll Foundation, for instance, through the authors of the Johannesburg Memo, expressed their strongest believe that “no other principle holds for sharing the global environmental space among the world’s inhabitants than the egalitarian principle”. They observe that it is within the right of every inhabitant of the Earth to enjoy in the benefits of the heritage of the Earth. This they indicate, is achievable within a community system of indigenous and community based knowledge, delivering to subsistence local markets and focusing on resilience and food security among others (Sachs, 2002, p. 36).

These positions notwithstanding, attaining efficiency and equity in land and natural resource delivery require more than the single and steeped notions governing pro-poor land

reforms. Indeed these varied approaches have been criticised and counter-criticised on various fronts. The libertarian position is criticised on the grounds that while it has the potential to enhance economic development; it equally has the tendency to compromise on the security of the livelihoods of the poor (Economic Commission for Africa, 2004). Indeed the claim that regularisation enhances security of tenure is questioned by Delville (2002, 2006) on the grounds that informality is in no way synonymous to insecurity and that conflicts over land are related to failures over arbitration systems than they are to informality. On the other hand, the state/hierarchists approach is seen as incapable of delivering efficiency and equity in land environments because of growing incidences of bureaucratic inertia, corruption, cronyism, nepotism and political patronage in the public land delivery mechanisms (Kasanga & Kotey, 2001; Mends & Meijere, 2006; UN-Habitat & GLTN, 2008). The community/egalitarian approach is criticised for its inability to internalise externalities in the individual, thereby putting all actors in a compromising position where they use more and more but contribute little to the sustenance of the resource base.

1.3 Refocusing the Debate

Fundamentally, while I do not explicitly or implicitly share in any of the reform approaches discussed above the arguments and counter arguments call for a fundamental rethinking. Davy (2009) points out that the dominant positions to land and property reforms are “monorational” and simply “dominated by prevalent notions of how to frame problems and develop solutions”. He observes that although each of the discourses relate to land reforms and poverty reduction, they do so from very divergent viewpoints. This position he argues is grounded on the fact that while one group ignores all other positions and perceives land as something that the state must grant to its people in order to ensure sustainable development, others perceive land as an “extension of individual liberties necessary to establish market competition” and a third group see land as something better delivered by

close-knit communities. Observing that each of the pro-poor land policies conveys an ideal land policy convincing enough for people who share in similar ideologies, Davy (2009), argues for a rather “polyrational” approach to land tenure reforms in a manner that incorporate the merits of the dominant views while taking into consideration the peculiarities of different contexts (Davy, 2009, pp. 22–29).

Davy is not the only one on this wavelength as Chigara (2004), working on land policy reform, pulled together the magnets of human rights, international law and as well victimology and psychology to argue for a system of land tenure reforms that preserves the dignity of the various land based actors through international human rights morality and local intuition. This concept, which he terms “humweficiency” revolves around the notion that, “that which touches all must be agreed to by all” (Chigara, 2004, p. 39). Impliedly, he calls for a system of land reforms revolving around systemic evolutions and participatory methodologies.

While agreeing with Davy’s position on pro-poor land reforms to a large extent, I make the claim that delivering a pro-poor land tenure system is not an issue of libertarian, hierarchical or egalitarian principles. It is an issue embedded in national/communal tenure systems, legal cultures, planning systems, socio-economic goals, environmental goals and development aspirations. It must therefore be pursued in a manner that does not superimpose one tenure system over the other, but in an integrated, organismic fashion. The “how” of this process is entailed in a process of reforms that is constructed from the land–land metaphor of the geomorphological dendritic drainage system; but theoretically embedded in the general systems theory. This notion to a large extent agrees with and conflicts Chigara’s approach to the resolution of the land tenure polemics. This metaphor agrees with Chigara (2004) to the extent that elements such as international law and human rights are relevant to the attainment of equity and efficiency in land use environments. It however, deviates from Chigara (2004)

to the extent that the elements of human rights and international law are seen as influencers of alternative tenure regimes which are capable of influencing reforms in different context differently. As such, human rights, international law and the concepts of victimology and psychology that form the building blocks of Chigara's argument are simply construed in this metaphorical approach as influencers/tributaries to the larger land tenure system/river of societies.

The differences between the approach espoused in this paper and those of Chigara and Davy bring to the fore the issue of operationalisation. To operationalise such a system under the three distinct land governance forms (individual, state and/or community) requires of actors to vary their actions in response to the underlying influencing variables as opposed to the existing land tenure system per se. Tinkering with the underlying legal cultures, socio-cultural systems, institutional arrangements, planning systems, environmental goals, human rights issues, among other variables, influencing various tenure regimes, could hold better prospects for the realisation of the desired reform results. As such, depending on the goals envisaged (efficiency and/or equity) by various land reform initiatives; it is possible to tinker with these influencing variables to achieve the desired results rather than seeking to superimpose one system over the other.

1.4 The Metaphor of a Drainage System

The drainage system is used in geography to discuss the entire land area drained by a river and its tributaries. It generally refers to the origin and development of streams over time. Embedded in drainage systems are drainage patterns and basins. Drainage pattern refers to the geographical arrangement of a drainage system in terms of geological structure, climatic conditions and denudational history (Bharatdwaj, 2006). Drainage basin on the other hand constitutes the individual elements of a drainage system that contribute water to individual stream channels (Booth, 1991). Fig. 1 depicts a typical drainage system.

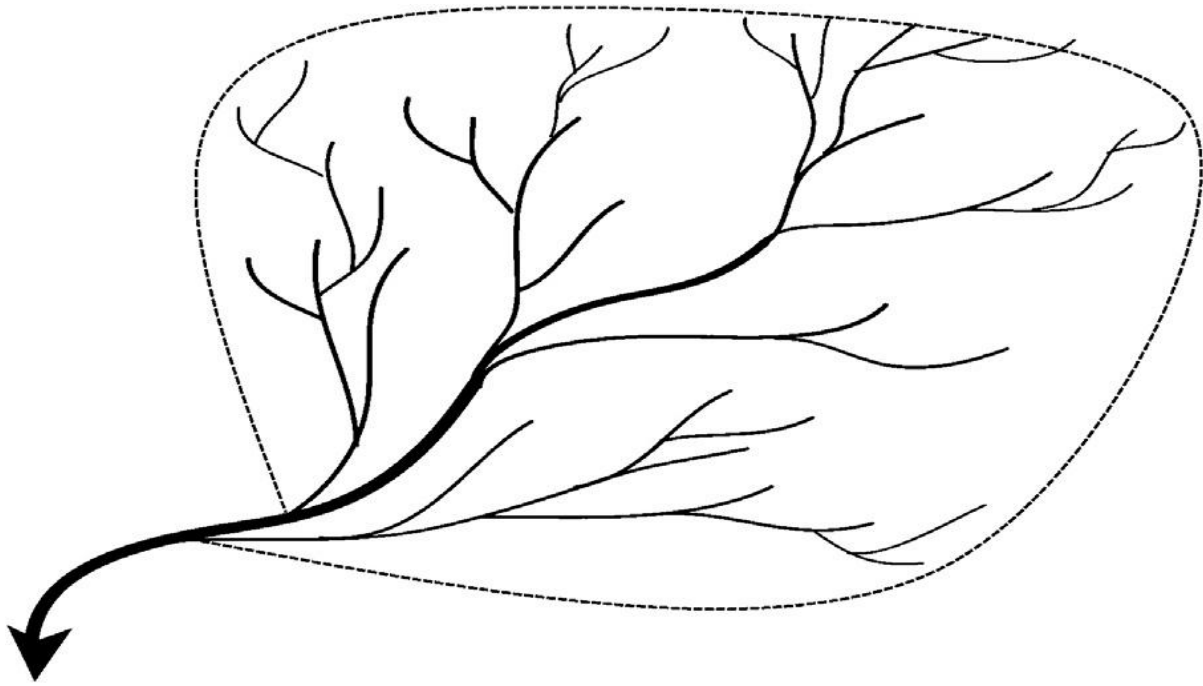


Fig.1: Dendritic drainage pattern.

Source: <http://www.google.com.au/imgres?q=geographic+drainage+pattern&hl> (08.01.13).

The drainage system comprises the main river and its tributaries which often flow from high grounds to low grounds, ultimately ending up in the sea. Booth (1991) observes that the collection, movement and storage of water through drainage basins constitute the hydrology of a geographical region. It is important to point out that the characteristics of a river such as its speed; volume of water; sediment content; level of siltation and colour are determined by its tributaries in addition to such factors as gradient and precipitation levels. Any effort to bring about changes in the development of a river must necessarily take into consideration the tributaries. The drainage system, drainage patterns and development processes provide useful lessons for land reformers.

1.4.1 The metaphor of a drainage system applied to land reforms

Land exists in different forms, quantities and qualities under different tenure arrangements in different regions, countries and communities in the world. While specific tenure arrangements may work perfectly well in one country or community, there is no guarantee that it will deliver similar benefits in other context. This is because the factors

influencing the outcomes may be non-existent in the country or community in which it is being proposed.

It is therefore not enough for land reformers to recommend the superimposition of one land tenure regime over another in differing context. This is because every tenure regime has the potential to deliver on the goals of efficiency and equity if the influencers are well understood and reengineered as the basis for reforms. What is important is for reformers to study whole systems under their unique context to understand the influencers of the outcomes of any given land tenure system as a basis for recommending action. The application of the metaphorical drainage system to pro-poor land reforms is as espoused in Fig. 2.

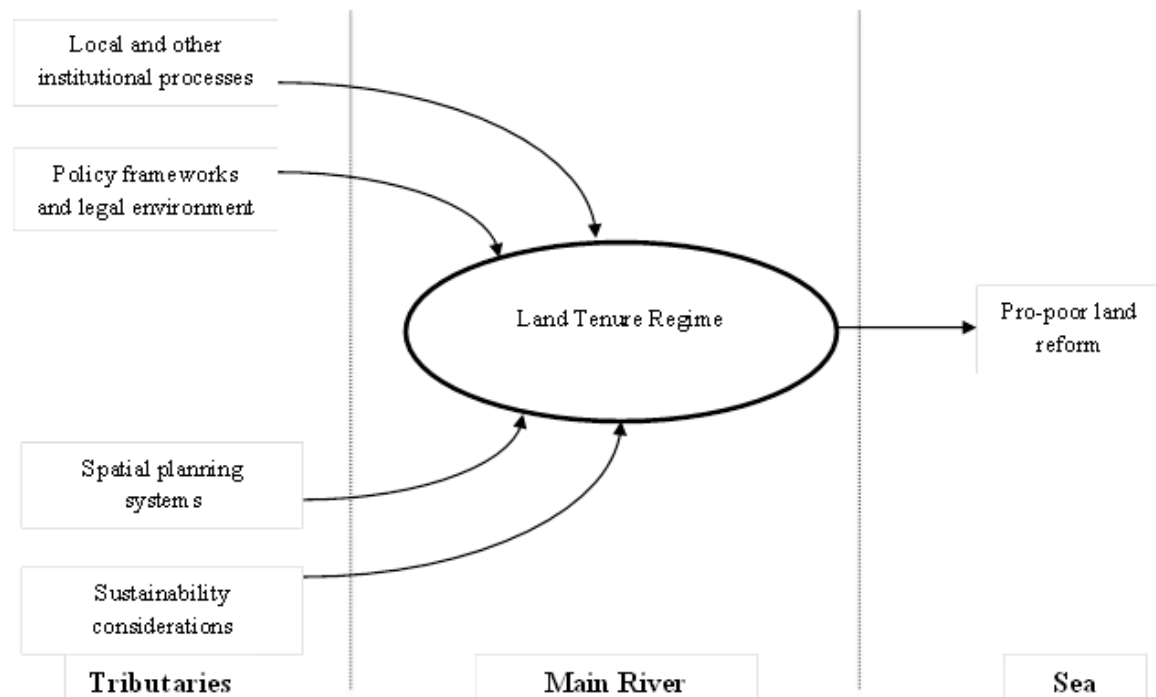


Fig. 2: Goal Driven Process of Pro-Poor Land Reforms

Source: Author's Construct

Fig. 2 presents tenure regimes (state, community or private) as the main river as is the case in drainage systems. Fundamentally, just as the collection, movement and storage of water through drainage basins constitute the hydrology of an area (Booth, 1991); so does the legal cultures, institutional structures, land use systems and many other variables come

together to form the land tenure regimes of particular communities. The influencers identified in Fig. 1 are not finite.

Just as drainage patterns are influenced by geological structure, climatic conditions and denudational history of a drainage system (Bharatdwaj, 2006); so land tenure regimes are also influenced by varying socio-cultural, institutional and legal systems. And just as the speed of a river, volume of water and other related features are influenced by its tributaries (Booth, 1991); so the outcomes of every land tenure regime are determined by several socio-cultural and economic considerations. Consequently, while alteration of a natural drainage basin through anthropogenic activities can impact the movement and storage of water; so alterations in the influencers of alternative land tenure regimes can result in the attainment of efficiency and equity and/or other related goals in land delivery. The position being espoused ultimately is that it is not necessary to switch from one tenure regime to the other in an effort to achieve an efficient and equitable land tenure system. Any effort to achieve a pro-poor tenure system should rather concentrate on altering, refocusing and reengineering the influencing variables of existing tenure systems. Simply put, tenure systems, by themselves are not the cause of the problems in a given context, but the influencing factors. And this must be the point of intervention for reformers. The “tributary/influencing variables” in Fig. 2 are non-exhaustive depending on the context. It is therefore possible to have many more indigenous socio-cultural structures and or formal institutional arrangements feeding into the larger “river/tenure system” as “tributary/influencing variables. Principally, in seeking appropriate ways to pro-poor land reforms May (2005, p. 166), observes that “the question is whether we can begin to think of cities (*land reforms*) not in terms of needs we already know, but in terms of diversities whose connections we do not yet know” (my emphasis). Pursuing such an agenda lies in “discovering the options people have as to how to live” (Thrift, 1996, p. 8) as well as “technologies that recognise the common aspirations, common adversities, and

common fears of man” (Chigara, 2004, p. xv) rather than the simplistic resort to the state, the market or the community as a panacea.

While espousing this position, I am not oblivious of the position of luminaries like Ostrom (1990) who argue that policies fashioned on metaphors are likely to fail, opting instead for “case” approaches. To this claim, I argue that the position espoused in this article is not only metaphorical but has equally strong theoretical foundations. It is grounded on the general systems theory of Von Bertalanffy. It is also in sync with contemporary cutting edge works on land reforms by Chigara (2004), Davy (2012), Deininger (2003), and Manji (2006) which suggest holistic, organismic and contextualised approaches to reforms as opposed to the “silo-styled” approaches. There is also the likely critique that such a metaphorical approach will not achieve much because the tributaries of a catchment area all flow in the same direction, whereas land reforms often benefit from opposing and conflicting ideas as well as passionate disputes and controversies. The response to this criticism simply is that opposing and conflicting forces, and passionate disputes and controversies would either ultimately yield to the larger flow or wither off in the process.

1.4.2 Theoretical foundations (the general systems theory)

Von Bertalanffy (1972) discusses the general systems theory as emanating from the efforts of early Greeks to find in the world an “order or *kosmos* which was intelligible and, hence, controllable by thought and rational action”. He observes that one such early effort was the Aristotelian notion that the “whole is more than the sum of its parts”. He also recalls the works of Dionysius the *Aeropagite* on the hierarchic order about the choirs of Angels and the organism of the church; Nicholas of *Cusa*’s notion of *the coincidentia oppositorum*, the fight among the parts within a whole resulting in the unity of higher order; and Leibniz’s *mathesis universalis*, an expanded mathematics not limited to quantitative or numerical expressions but also applicable to conceptual thinking.

The foundations of general systems theory as popularised by Von Bertalanffy, deemed relevant to the approach to land reforms espoused in this article is aptly captured thus:

Since the fundamental character of the living thing is its organization, the customary investigation of the single parts and processes cannot provide a complete explanation of the vital phenomena. This investigation gives us no information about the coordination of parts and processes. Thus the chief task of biology must be to discover the laws of biological systems (at all levels of organization). We believe that the attempts to find a foundation for theoretical biology point at a fundamental change in the world picture. This view, considered as a method of investigation, we shall call “organismic biology” and, as an attempt at an explanation, “the system theory of the organism” (Von Bertalanffy, 1972, p. 410).

Von Bertalanffy (1972, p. 410, 415, 423) then points out that when the “term ‘organism’ in the above statement is replaced by other organised entities, such as social groups, personality, or technological devices”, that becomes the programme of systems theory. Simply put, general systems theory is about the deeper examination of “wholes” and “wholeness”. The thinking behind the theory is that man with his “biological, cultural, and linguistic endowment and bondage”, is endowed with the ability to create and recreate the “universe into which he is thrown, or rather to which he is adapted owing to evolution and history.”

This is the space within which land reforms is being recommended. That alternative tenure regimes be examined through biological, cultural, socio-economic and institutional variables governing them in their “whole” and “wholeness”, rather than seeking to replace one form of tenure with the other.

This thinking, as earlier noted largely mirrors the positions of Chigara (2004), Davy (2012), Deininger (2003), and Manji (2006), albeit with considerable differences. While

Chigara (2004), for instance argues for “humwefficiency” in the land reforms space as a model for resolving conflicts to land use and preserving the human dignity of stakeholders in the land environment; Davy (2009, 2012) argues for “polyrationality” to the approaches to reforms. In the same vein, while Deininger (2003) proposes the application of well-structured social conventions to the regulation and distribution of the benefits accruing from land; Manji (2006) draws our attention to the fact that haphazardly constructed land reforms will undermine the livelihoods of people, strengthen patriarchal relations and intensify violence against women. Similarly, this approach is also in line with the proposal by North, a new institutional economist, who not only noted that institutional change is a process shaped by interactions between players in the institutional environment but also that “the continuous interaction between institutions and organisations in the economic setting of scarcity and hence competition is the key to institutional change” (North, 2005, p. 59). His proposal, when brought to the realm of land reforms, basically implies that social norms will naturally evolve from solidarity and subsidiarity and/or other land tenure influencing variables to competition as land resources become scarce due to population growth.

1.5 Conclusion

Land reform is in a state of methodological confusion. It has been characterised by polarised and entrenched notions and drifts from one supposedly ill-conceived tenure system to the other. In all these the ultimate beneficiaries of land reforms bear the brunt of intellectual and theoretical dialectics. While land users are in search for a system that address their fundamental concerns; reformers, intellectuals and policy makers are embroiled in a discourse in futility over the appropriateness of alternative tenure regimes to the attainment of reform goals. The situation is untenable and while I may not have added anything new to the protracted debate, I advocate a departure from the entrenched positions. I advocate a drift to a realm where there could be contextualised methodological rigour and possibly, unification as

opposed to superficial superimposition of one tenure regime over the other. The metaphorical drainage system routed in general systems theory provides leeway for a contextualised, rigorous and better approach to the understanding of the evolution, nature, influencers and underlying variables of alternative regimes. This is the way to an improved and sustainable approach to pro-poor land reforms.

It is an approach that allows various actors to pursue land reforms by fundamentally examining the influencing variables to existing tenure systems and tinkering them to obtain the desired results. It is about attaining harmony in a given system as opposed to artificial and holistic superimposition of one system over the other.

Sen's Capability Approach: An Analytical Tool for Poverty Analysis in Land Reform

Environments

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This Chapter is an exact copy of the journal publication referred to above.

Abstract: Poverty is a vexed concept almost lacking a solution. While several approaches exist to measure poverty in diverse situations, there is no universal consensus on what constitutes poverty and how it should be measured. To one group basic needs approach to poverty measurement is the most appropriate; to another, income measures are the most accurate and to some others the capability approach holds better prospects. To accurately assess poverty, however, it is important to ensure that the approach being adopted is in sync with the outcomes of the poverty intervention tools being implemented. Land reforms are one of the tools used in different countries to improve the land access and use rights of the poor and hence reduce poverty. In this paper I have argued that it is only within the capability space that the environmental (climate, geographical location and changes in the quality of the land resource base) and social (public policies, social norms or power structures and relations) conversion factors that influence the ability of the poor to live meaningful lives in land reform environments can be adequately ascertained.

Keywords: Poverty, Basic Needs Approach, Income Concepts, Capability Concepts, Land Reforms

1.1 Introduction

Many studies have been carried out globally, seeking to assess the relationship between land tenure reforms and the creation of wealth (de Soto, 2000; The World Bank, 2002), land policy and livelihoods (DFID, 2002), land tenure systems and impacts on food security and sustainable development (ECA, 2004), gender and land rights (FAO, 2010), land rights and vulnerabilities (Yankson et al., 2009), land tenure in development cooperation (gtz, undated), land tenure and forest governance (USAID, 2012) and many other varied areas of academic and development interests. These varied studies on land tenure policies portray the

overwhelming importance of land in the national and international policy discourses as an important asset in any attempts to eradicate poverty. This article seeks to explore that space between land reforms, on the one hand, and poverty reduction, on the other, by reviewing the literature to identify the most appropriate analytical framework for conducting poverty measurement in land reform environments.

This has become necessary because Adams et al. (1999) argue that poverty needs to be understood not just in terms of low income and consumption, but also in relation to people's ability to cater for their basic needs as well as the opportunities for personal and social development. They particularly indicate that capital assets, including finance, land, natural resources and social capital, are important determinants in the ability of the poor to meet those needs. The renewed interest in land reforms with particular emphasis on title formalization as an appropriate way to poverty reduction calls for the development of an appropriate framework to govern the land reforms and poverty conundrum.

de Soto, seen probably as the most prominent proponent of land title formalization in contemporary times, in his best seller *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else* (2000) recommends that to move out of poverty, the poor would have to move out of the extra-legal and unproductive environment under which they operate to the legal environment where they would have the framework under which their assets can be turned into capital. He begins by arguing that the poor have houses but not titles; crops but not deeds; businesses but not statutes of incorporation. Advancing his arguments, he indicates that it is the absence of these essential representations that explains why people who have embraced every other Western invention, from the paper clip to the nuclear reactor, have not been able to produce sufficient capital to make their domestic economies work. He further argues that the basis of a market economy is capital and the basis of capital as an economic tool is rational property law. He observes that without a complex

system to define and protect the rightful ownership of property, capital is dead as the property cannot be mortgaged as collateral for loans, and it is not attractive to investors because it lacks the basic ingredients of property (de Soto, 2000).

This article unpacks three groups of concepts that have traditionally been used to measure poverty. In the process a determination of how one group of poverty concepts or the other is suitable to and capable of serving as a lens to the understanding of poverty in land tenure reform environments has been made. That is then suggested to researchers and policy experts for consideration as an appropriate analytical framework for analyzing the impacts of land reforms on poverty reduction.

The article is divided into three key sections. The first section examines the various concepts of poverty as advanced in the literature by various authors. Comparing and contrasting the evidence, a summary of the concepts is advanced. Conceptually, an analytical framework for examining the relationship, if any, between land tenure reforms and poverty reduction will be explored and, in the process, the ‘how’ to establish such a relationship defined in section two of this article. This leads to a conclusion on the way forward for examining poverty in land reform environments.

1.2 Defining Poverty

The concept of poverty has been variously defined. The UNDP (1997) discusses poverty as a vexed concept almost lacking a solution. In many instances, definitions of poverty have some relevance for the individuals or groups involved. The UNDP (1997, p. 45) quotes an Azerbaijani refugee as defining poverty as ‘the impossibility of living in your own home. It is life in a refugee camp and the lack of opportunity for my children.’ Again, an NGO member from Botswana also saw poverty in this light: ‘wealth is the blanket we wear: poverty is to have that blanket taken away’. These two definitions portray the state of the individuals who proclaimed them. While the Azerbaijani refugee relishes the opportunity of

living in his own home, however, poor it may be, the NGO member from Botswana thinks that having a blanket to cover his or her body was the most important. These probably fit into the lyrics of the legendary Jamaican Reggae musician, Bob Marley who proclaimed that ‘he who feels it, knows it’.

The World Bank (2000, pp. 15–16), on the other hand, defined poverty as ‘pronounced deprivation in wellbeing’. It further elaborates that to be poor means to be hungry, lack of shelter and clothing, inability to seek treatment when ill and lack of formal education or illiteracy. It also reproduced the meaning of poverty from the viewpoint of some poor people in developing countries. A poor Kenyan man is quoted to have said:

don’t ask me what poverty is because you have met it outside my house. Look at the house and count the number of holes. Look at my utensils and the clothes I am wearing. Look at everything and write what you see. What you see is poverty.

Again, a group of poor Jamaican youth also intimated that ‘poverty means we don’t believe in self, we hardly travel out of the community—so frustrated, just locked up in a house all day’. The literature summarizes concepts of poverty into three main categories (see Box 1).

Box 1: Concepts of Poverty

Income concepts: A person is poor if, and only if, her income level is below the defined poverty line. Many countries have adopted income poverty lines to monitor progress in reducing poverty incidence. Often the cut-off poverty line is defined in terms of having enough income for a specified amount of food.

Basic needs concepts: Poverty is deprivation of material requirements for minimally acceptable fulfilment of human needs, including food. This concept of deprivation goes well beyond the lack of private income: it includes the need for basic health and education and essential services that have to be provided by the community to prevent people from falling into poverty. It also recognizes the need for employment and participation.

Capability concepts: Poverty represents the absence of some basic capabilities to function—a person lacking the opportunity to achieve some minimally acceptable levels of these functionings. The functionings relevant to this analysis can vary from such physical ones as being well nourished, being adequately clothed and sheltered and avoiding preventable morbidity, to more complex social achievements such as partaking in the life of the community. The capability approach reconciles the notions of absolute and relative poverty, since relative deprivation in incomes and commodities can lead to an absolute deprivation in minimum capabilities.

Source: UNDP (1997, p. 37)

Beyond these three key concepts of poverty, the UNDP (1997) indicates that the ‘Sustainable Livelihoods Approach’ (SLA) and the ‘Social Exclusion Approach’ (SEA) have been added to the literature in recent times. It discusses the SLA as a contextualized way of measuring poverty by which members of a community define their understanding of well-being as well as the elements of deprivation based on criteria defined in a participatory manner. It is of the view that SLAs allow the special circumstances of the very poor and marginalized in society to be adequately captured. On the other hand, it indicates that the SEA, which became part of the literature in the 1970s, is used to analyze the situation of people who are not necessarily income-poor. Rather, it describes and analyzes the special conditions of people who are kept out of mainstream societal activities even though they may not be income-poor. The claim is that it developed as a response to the inadequacy of conventional poverty definitions, which are often limited to income and consumption. These

two approaches are not considered in this study because the SLA and the SEA are seen as variations of the capability approach.

In discussing these concepts further I have opted not to begin with the income concept as contained in Box 1 but instead the basic needs approach, through to incomes and then capabilities. This is based on the reasoning that even before money became a medium of exchange in human lexicon, man had basic needs to satisfy and that was done in diverse ways. I therefore see basic needs as the first in the order of the concepts.

1.3 Basic Needs Approach (BNA)

The need to address basic needs in development is not an entirely new concept. Biblically, Christ entreated Christians to often recite the ‘Lord’s Prayer’, a part of which reads ‘Give us today our daily bread’. He also fed 5,000 people with five loaves of bread and two fish (Bible, 1982, p. 2114). The prayer and the miracle performed in feeding the people are surely invocations of minimum satisfaction of basic material needs. It is also posited by Gultang (undated) that Marx’s entire theorizing were actually based on thinking about needs while Gandhi, deeply inspired by Christianity together with his Hindu background, often worked with the intent of improving the lot of those in most need.

There have been several works on BNA. These according to Alkire (2002) include Maslow (1943, 1954, 1968, 1971) on the hierarchy of needs; Martha Nussbaum (2000) on basic human capabilities; Manfred Max-Neef (1991) on the axiological and existential categories of needs; Deepa Narayan et al. (2000) on dimensions of well-being; Shalom Schwartz (1994) on universal human values; and Robert Cummins (1996) on quality of life domains. The following section discusses the works of Maslow (1943, 1954, 1968, 1971), the earliest of such theorizing, which have had tremendous influence on the BNA discourse.

1.3.1 Abraham Maslow (Hierarchy of Needs Theory)

The pioneering, popular and one of the most recognized works on BNA was that of Abraham Maslow. Maslow (1943, 1954) conceptualized five levels of needs which he deemed necessary for the attainment of human well-being. These are physiological, safety and security, belongingness and love, esteem and self-actualization needs. In 1971 they were expanded with the addition of self-transcendence—which is about the need to connect with something beyond one's own self. Quite recently Maslow and Lowery (1998) further extended the concept to include cognitive need (that is, the need to know and understand) and aesthetic need (the need for beauty, symmetry and order).

McGregor (2010) stipulated that Maslow captured his needs as a hierarchy. This means that the attainment of those above (influence, personal development and growth) is dependent on the attainment of those below (physical and emotional well-being). The needs are also so hierarchically related that the people remain unconcerned with the attainment of the higher order needs as long as the lower order needs remain unmet. Based on Maslow's conceptualizations, the lower four layers of needs are termed the deficiency or deprivation needs. These needs are so critical that failure to meet them leads to a compromise in individual well-being. These are security, food, shelter, personal safety, air and water and emotional needs which are deemed necessary for human existence. The upper four layers are termed the actualization needs—the quest for knowledge, leading to character development. The realization of these needs lead to a greater sense of wholeness and fullness on the part of individuals. On the attainment of transcendence, people develop deeper relationships with the unknown and the unknowable. People are driven more and more to connect to the world beyond their immediate self, gaining wisdom and enlightenment in the process. The need to address actualization needs is not driven by lack, but the quest for personal growth and the attainment of everything that is within human reach and capabilities (McGregor, 2010).

McGregor (2010) further posits that Maslow's two layers, deficiency and actualization, are strongly related. The hierarchy adopted simply proposes that lower level needs must be met before higher order needs can influence one's behaviour. Huitt (2007) recategorized Maslow's eight needs under three broad levels—self-existence, relatedness to others (personal identification with groups and significant others) and growth (of self-knowledge, competencies, character and relationships with the unknown and unknowable). Figure 1 depicts Maslow's hierarchy of needs.

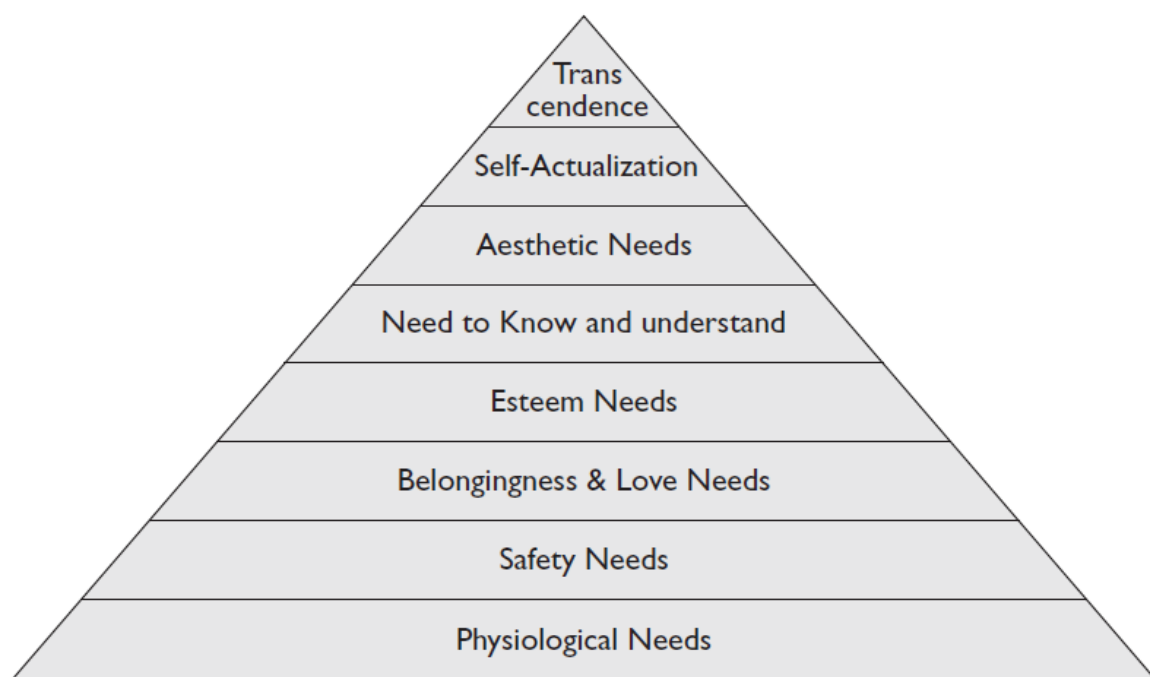


Figure 1: Maslow's Eight-Level Hierarchy of Needs

Source: Modified from McGregor (2010, p. 6)|

1.3.1.1 Implications of BNA for land reforms

In the first place classification of some human requirements as 'needs' is mind boggling not to mention the fact that a qualifier 'basic' is added. Indeed these definitions fail to meet the elementary economic meaning of the word 'need'. I am of the conviction that something can be termed a need only and only when its absence in one's life could be deemed to be life threatening. So things such as food, shelter, water and air are basic needs beyond doubt but I cannot understand how aesthetics as discussed by Maslow could

constitute ‘basic needs’. While human beings may occasionally want to take part in leisure activities or enjoy aesthetics, there are also several people who do not value the relevance of such things to their existence. And it can be categorically stated that these activities are not basic to human existence.

This notwithstanding, the BNA can be helpful in our understanding of poverty in the land reform space. This is so because land itself is an extremely important natural resource that could be classified as a basic human need. Indeed the case is made that land is the original inheritance of the human species and its alienation by one group of persons from the other is unjust. While land itself may not be seen as a basic need, it is required in the strife to address such needs. Constructing a home, putting food on the dining table and meeting other related human needs require land in one form or the other. In the developing world the relevance of land in addressing the basic needs of the poor is even more pronounced. This is so because the poor depend on land to graze their animals, gather fruits, harvest fuel wood, harvest timber and other non-timber forest products and produce basic staples.

Given this understanding, land reformers need to often ensure that the approaches employed to transform the access rights and use of land resources do not inhibit the ability of the poor to access the resources they require to meet their basic needs. I, however, do not buy into pro-poor land policies fashioned along BNA. This is so because policy measures inspired by BNA alone would not be capable of addressing human poverty. Such policies inspire land ‘redistribution through populist transfers’ which do not lead to sustained reduction in poverty (Birdsall & Londono, 1997, p. 33).

1.4 Income Concepts

The income approach to poverty studies and analysis was pioneered by Charles Booth and Joseph Rowntree in their works on London in 1886–89 and York in 1899–1900 respectively (Gazeley & Newell, 2007). Since then the income concepts have been applied in

diverse ways by different authors. Prominently, it has been applied by the World Bank to studies of poverty on a global scale. This sub-section will examine the income approach to poverty studies from the perspective of Rowntree, the earliest and again most influential.

1.4.1 Joseph Rowntree's approach

Rowntree undertook his first study of poverty in the city York in 1901 using data collected from a survey of working class families in 1899 (Townsend, 1954). He then estimated the weekly minimum expenditure for food and other necessities to determine the poverty line (Townsend, 1954). Rowntree's approach divided families living in poverty into two categories:

Families whose total earning are insufficient to obtain the minimum necessities for the maintenance of merely physical efficiency. Poverty falling under this head may be described as primary poverty. And families whose total earnings would be sufficient for the maintenance of merely physical efficiency were it not that some portion of it is absorbed by other expenditure, either useful or wasteful. Poverty falling under this head may be described as secondary poverty. (Townsend, 1954, p. 130)

Townsend (1954, 1962, 2010) observed that in estimating the minimum requirements for the maintenance of physical efficiency, Rowntree estimated the nutritional requirements of children and adults, translated such needs into quantities of varying foods, based on which a monetary determination was made. To come to an accurate determination of family resource needs, calculations and adjustments were made for such consumables as fuel, household sundries as well as clothing according to family sizes.

Townsend has indicated that using this methodology, Rowntree and others developed poverty measures in the 1950s to determine poverty line for countries. In Rowntree's study of York, he estimated that a family of five, comprising husband, wife and three children required '12S. 9p. for food, 2S. 3p. for clothing, 1S. 10p. for fuel and 10p. for household sundries, totalling 17S. 8p. per week'. The poverty line was therefore set at 17S. 8p. Rent was

also estimated as a predetermined figure and added as an unavoidable figure to the total sum. A household was classified as poor if its total weekly earning was lower than 21S. 8p., inclusive of rent. Other amounts were proposed for families of different sizes and compositions. Townsend argues that subsequent studies employed the same approach with minor alterations, adjustments made only for price changes. He then concludes that changes in the conditions of life brought about in the intervening years were ignored in all these analyses (The World Bank, 2000; Townsend, 1954, p. 130, 1962, 2010).

Rowntree, it is noted, made some modifications to his parameters to include some rather more generous standards of poverty in another study of York in 1936. During this study, the number and characteristics of necessities were expanded. For instance, compulsory insurance contributions, trade union subscriptions, commuting to and from work, and other daily more general miscellaneous goods such as daily newspapers, some stationery and some other requirements found their way into the analysis. This list of items was revised and applied to the third study of York about poverty and the welfare state in 1951 which was co-conducted by Rowntree and Lavers (Townsend, 1962). In very recent times, the Joseph Rowntree foundation has emerged to continue his works and to carry on with poverty studies with the following objectives:

- to re-establish the long national tradition of investigating and measuring the scale and severity of poverty;
- to extend this tradition to the modern investigation of social exclusion so that for the first time the relationship between poverty and social exclusion can be examined in depth; and
- to contribute to the cross-national investigation of these phenomena, as Britain agreed to do at the World Summit for Social Development in 1995. (Joseph Rowntree Foundation, 2000, p. 1).

1.4.1.1 Implications of the income approach for land reforms

Kuklys Wiebke is of the view that the income concepts are very simple to apply. He, however, criticizes the over reliance on household income as opposed to individual income for the determination of poverty lines. He contends that the approach is prone to measurement error because welfare indicators based on households fail to take into account differences in needs among household members as well as intra-household allocation issues. He further critiques the approach for its neglect of critical household welfare issues. He observes that welfare emanating from home-based production, non-market goods and services and in-kind transfers which could form a major part of a household's consumption basket are disregarded in income poverty estimates. These, he concludes, can lead to distortions of the welfare measure, result in non-comparability and thereby violate the 'symmetry axiom in social welfare analysis' (Wiebke, 2005, p. 4).

The income approach has also been dismissed on the grounds that life is not always about money. MacEwan (2007) discusses our wont to describe people as rich or poor based on whether the person receives a high or low income or possesses a large or small amount of material wealth. He suggests that these are all just about money and that while we are often too obsessed with quantum of money, it has become important for some rethinking because it is not always money as such that determines human well-being. Many other socio-cultural elements that can only be appreciated by individuals also play a crucial role. He is, however, quick to add that as long as money remains a measure of the goods and services that one can buy at any material point in time, and given the relationships between commodities, goods and services, using income as a measure of well-being cannot be seen as unreasonable (MacEwan, 2007, p. 3).

In the wake of the criticisms against the income approach, I am of the conviction that it is incapable of application in the land reforms space. It is too obsessed with income as

opposed to how humans ought to live together. Land reforms crafted along the income concepts are bound to fail because of their over-reliance on liberalism and the monetization of the resource space. It even holds the potential of further impoverishing the poor who have not the resources to buy land. Land ownership by the poor is a source of subsistence but once deprived of their land through monetary based reforms and transactions, the poor might get confined to wage earning and starvation.

1.5 The Capability Approach

Schokkaert (2008) discusses the capability approach as the brainchild of Amartya Sen. He finds Sen's series of papers and monographs on welfare economics in the 1980s which were subsequently followed with published books influential. Martha Nussbaum is the other person identified by Schokkaert (2008) as having done some substantial work on the capability approach.

Schokkaert (2008) argues that Sen sought to find answers to the questions 'equality of what' and in so doing came to the conclusion that well-being can be measured in terms of functionings of a person (i.e., what a person is able to achieve, to do or to be—being well nourished, well clothed, mobile, taking part in community life); and more importantly the real opportunities available to a person, which he termed capabilities. Sen, through his works on capabilities, is also credited as the one who has translated multidimensional measurements of poverty into the literature of welfare economics. This he achieved by making comparisons between income and utility economic concepts (Schokkaert, 2008).

Stewart & Deneulin (2002) also point out that perhaps one of the most important accomplishments of Amartya Sen as an academic is the capability approach. They are of the view that Sen's approach is not just a counter philosophical work to welfarism and utilitarianism but also a valid alternative for the analysis of varying degrees of socio-economic problems, ranging from markets to gender, democracy to poverty. However,

Robeyns (2005, p. 94) sees the capability approach as a broad normative framework which can be used to evaluate and scrutinize the well-being of individuals, social systems, policy designs and schemes for social change. She remarks that the capability approach is used in fields of study, such as, development studies, welfare economics, social policy and political philosophy, to assess indicators of human well-being, like inequality, poverty and the standards of living of individuals and members of social groups. Within the framework of this article, Sen's work is further scrutinized, as the pioneering work on the capability approach.

1.5.1 Amartya Sen's approach

The concept of capability in development is discussed by Sen as an approach which is not limited to concepts such as increase in GNP per capita, and/or consumption. It encompasses health and education measures, and is largely concerned with expansion of individual capability. He defines capabilities as the ability of a person or a group of persons to achieve 'valuable functionings'. These are the combinations of 'beings and doings' that an individual can achieve. He argues that capabilities are not necessarily basic as they can relate to things as elementary as being well nourished, avoiding avertable morbidity and premature death to such complex ones such as being happy, attaining self-respect and being able to participate meaningfully in community life (Sen, 1992, pp. 39, 49).

Robeyns (2005) who has done some amount of work on the capability approach perceives the approach as a counter paradigm to the welfarists approaches of welfare economics and utilitarian and income-based approaches of resource-based theories. She indicates that the approach measures well-being, development and justice within the framework of functionings. These, she argues, are the opportunities and options individuals have to effectively address their personal concerns, and engage in self-identifiable activities. Robeyns (2005) comes to the conclusion that it is these beings and doings that together

constitutes what Sen classifies as contributing to a valuable life. She observes that the rejection of welfarism by Sen has to do with the exclusive reliance by welfare theories on utility considerations to the neglect of other non-utility information in the determination of well-being. The approach, according to Robeyns (2005), also rejects welfarism because of its reliance on income as a measure of welfare. Capability theorists regard income as a substitute for the rather important variables—capabilities. She also points out that under the capability approach, the ability to achieve certain beings and doings are influenced by three conversion factors:

- **Personal conversion factors:** Those factors that influence the ability of a person to convert the characteristics of a commodity into beneficial functionings (e.g., intelligence, sex or technical skill).
- **Social conversion factors:** Those general state and community policies and programmes that inhibit the ability of a person to attain beneficial functionings (e.g., public policies, social norms or power structures and relations).
- **Environmental conversion factors:** The natural and man-made environmental conditions that inhibit the ability of individuals to convert beings into functionings (e.g., climate and/or geographical location).

Assessing the functionings that a person is able to achieve therefore entails an examination of the internal and external conditions influencing people's lives. Robeyns (2005, p. 99) clarifies that 'the capability approach not only advocates an evaluation of people's capability sets, but insists also that we scrutinize the context in which economic production and social interactions take place, and whether the circumstances in which people choose from their opportunity sets are enabling and just'. Another characterization of the capability approach and that which is particularly important to the analysis of poverty in the land reform sphere is the distinction made about basic welfare capabilities, a subset of capabilities in

general. Robeyns (2005) is of the view that basic capabilities are those things required for survival and escape from poverty. So while capabilities are concerned with conditions of a broad nature, basic capabilities are the real opportunities one has to avoid poverty.

1.5.1.1 Implications of the capability approach for land reforms

Schokkaert (2008) criticizes the work of Sen for its lack of a comprehensive list of capabilities for measuring quality of life. According to Schokkaert (2008) capabilities are left in the realm of human judgements and assume a state of relativity when their definition is left entirely in the domain of the diverse social context in which they are to be applied.

The criticisms of the capability approach notwithstanding, it holds better promise for understanding poverty in the land reform sphere. Land reformers need to be concerned about the implications of reforms on the ability of the poor to achieve valuable functionings. In this regard, the capability approach simply asks of land reformers to ensure that their policies are enablers and not inhibitors to the functionings of the poor. Leaving capabilities in the realm of human judgements makes it easier for policy makers to situate their interventions particularly on land reforms within the operational context. Working within this space require an assessment of the extent to which land reforms make the social conversion factors (public policies, social norms or power structures and relations) and the environmental conversion factors (climate, geographical location and changes in the quality of the land resource base) inhibitive or enabling to the land use rights of the poor.

1.6 Summary of Poverty Concepts

The concepts of poverty are all useful for the analysis of poverty and well-being despite their relative strengths and weaknesses. The suitability of a particular concept to any given study or poverty analysis depends largely on the ‘philosophical underpinnings, the evaluative aspects, the agency aspects and the developing strategy’ within which it is to be applied. Fukuda-Parr (2003) has provided a good summary of the various poverty concepts

under these sub-headings; a useful basis for assessing and deciding how to apply any of them to the analysis of policy outcomes. The summary is reproduced in Table 1.

Table 1: The human development approach, the neoliberal alternative, and the basic needs antecedent: comparing key features

	Human Development	Neoliberalism	Basic Needs
Philosophical underpinnings			
Normative assumptions	Explicit	Implicit	Not fully specified
Concept of Wellbeing	Functionings and capabilities	Utility	Meeting basic needs
Evaluative aspect			
Leading criterion for evaluating development progress	Human capabilities, equality of outcomes, fairness and justice in institutional arrangements	Economic wellbeing, economic growth, efficiency	Poverty reduction in terms of income, access to basic social services
Measurement tools favoured	Human outcomes, deprivational and distributional measures	Economic activity and condition, averages and aggregate measures	Access to material means, derivational measures
Agency aspect			
People in development as ends and /or means	Ends: beneficiaries; Means: Agents	Means: Human resources for economic activity	Ends: beneficiaries
Mobilising means	Individual action and collective action	Individual action	Concern with political will and political base
“Developing strategy”			
Key operational goals	Expanding people’s choices (social, economic, political)	Economic growth	Expanding basic social services
Distribution of benefits and costs	Emphasis on equality and on the human rights of all individuals	Concern with poverty	Concern with poverty
Links between development and human rights and freedoms	Human rights and freedoms have intrinsic value and are development objectives. Current research on their instrumental role through links to economic and social progress	No explicit connection. Current search for a link between political and civil freedoms and economic growth	No explicit connection

Source: Fukuda-Parr (2003, p.311)

The conclusion that can be drawn from Table 1 is that each of the concepts of poverty is still very relevant for understanding the relationships between various development variables and poverty reduction. Notwithstanding, the income concept cannot be an appropriate approach within the context of land, because of its narrow focus on economic growth, economic well-being and related variables. The poor in rural developing countries are more concerned with enhanced access to the resources required to live meaningful lives than income. Therefore, to use income as a measure of their well-being under land reform environments can lead to erroneous conclusions. On the other hand, measuring well-being purely based on basic needs will not provide reflective results of poverty. This is so because

the basic social services which are the preoccupation of BNAs do not include land access and use, a fundamental indicator for measuring the well-being of the poor in rural areas in developing countries.

In the light of the shortcomings of the BNA and income based measures, this study conceptualizes poverty in the land reform space along the lines of Amartya Sen's capability approach. This is similar in many respects to the approach espoused by Rights Based groups (RBAs) who perceive poverty as 'the absence of one or more assured capacities which permit individuals and/or their families to carry out their basic responsibilities and enjoy their fundamental rights' (Genugten & Perez-Bustillo, 2001, p. 59). It is equally situated in rights based thinking because of its recognition of beneficiaries and/or (dis)beneficiaries of land reforms as active participants and claim-holders and hence the need to establish duties against which claims can be brought to ensure that needs are addressed. It is an approach that will ensure that the land use rights of various actors will be 'respected, protected and fulfilled', a claim long espoused by proponents of RBAs (Genugten & Perez-Bustillo, 2001, p. 154).

Similarly, the proposed approach is situated in the context of SLAs. The sustainable livelihoods paradigm measures poverty in terms of 'people, their capabilities and their means of living, including food, income and assets'. This often entails tangible assets such as resources and stores and intangible assets such as claims and access. The sustainability dimension emanates from a livelihoods concern for the maintenance and sustenance of the 'local and global assets on which livelihoods depend' (Chambers & Conway, 1991, p. i). This is the holistic realm within which the relationship between land reforms and poverty needs to be examined.

The differences between the various poverty concepts notwithstanding, it needs to be stated, however, that all the key concepts of poverty do acknowledge the relevance of some human needs as basic. The income approach measures the ability of income earners to meet

basic necessities; the BNA is about the ability of people to address their basic needs and the capability approach measures ‘beings and functionings’ within the space of needs. The approach adopted in this analysis examines the extent to which land reforms provide land—a basic need of land users to address their livelihood concerns.

1.7 Analytical Framework for Land Reforms and Poverty Reduction

The capability approach when applied to land reforms investigates the extent to which various land tenure regimes support the ability of different actors to access the resources they require to live meaningful lives. These capabilities could take the form of laws, communication systems, policies, conflict resolution mechanisms, resource allocation strategies, planning frameworks and participatory approaches that are seen by the poor as enabling and just enough to support their ability to access, use, withdraw, manage and alienate land resources.

According to Spicker (2007), poverty perceived in this sense, means that it is possible for someone to be classified as poor, even though she/he is not in need of the basic necessities of life as defined by other theorists. It is an approach which is in sync with Dreze and Sen’s argument that deprivation and lack of resources are a reflection of lack of entitlements, as opposed to the absence of essential items in themselves (Dreze & Sen, 1989).

This approach pays minimal attention to the effects of poverty, such as, hunger, landlessness and homelessness. Instead it provides a better understanding of the nature and causes of poverty within the context of land tenure reforms. Conclusively therefore, this study conceptualizes and situates poverty within the context of Sen’s basic capabilities analysis. Basic capabilities, construed as a subset of general capabilities, are about the freedom of individuals to engage in the basic things that provide an escape route from poverty and are required for survival (Robeyns, 2005). Figure 2 is the analytical framework within which the land–poverty–capability relationship is conceptualized.

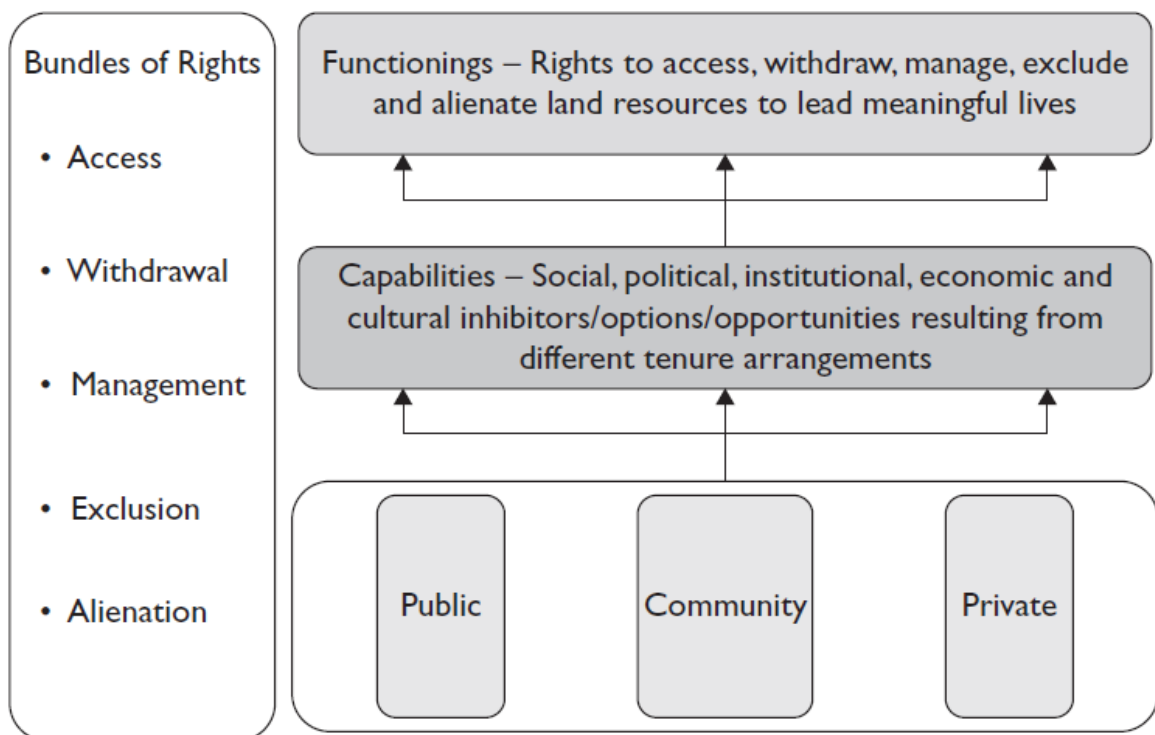


Figure 2: The Capability Approach Applied to Land Reforms and Poverty Reduction

Source: Adapted and modified from Meinzen-Dick (2006).

Measuring poverty in this realm will lead to outcomes and policies that provide an escape route from poverty for the poor. This notion of poverty is well within the argument by Robeyns (2005) in favour of Sen's capability approach that it is not solely used to evaluate capability sets of communities and social systems but also to examine the context within which economic production and social interactions occur. It is used to scrutinize a system to understand the real opportunities people have to avoid poverty and is deemed essential for poverty and well-being studies in the developing world. This analytical framework is much more appropriate for examining the socio-economic structures governing land relations under public, community and/or private tenure arrangements anywhere in the world.

1.7.1 Components of the conceptual framework

The capability space of land reforms has three key components. These are the land tenure/reforms space, the capability space and the poverty reduction space. The land tenure/reform space examines the features of land reform measures being introduced to

improve the welfare of the poor. The capability space profiles the capabilities (inhibitors/opportunities) imbedded in different land tenure reform options and the extent to which they can be said to be pro-poor. The poverty reduction space is concerned with the extent to which such capability measures are inhibiting or enabling the poor to live valuable lives.

1.7.1.1 The land tenure/reforms space

Lands exist in different quantities and qualities in different countries and under varied tenure regimes. As the composition and structure of society changes, there will often be attempts to modify tenure relations in ways that ensure efficiency and equity. The argument is that in seeking to undertake land reforms there should be minimal concern with cosmetic changes in tenure regimes (i.e., from community to state or private). Instead, the land reform space should concentrate on creating an environment that is enabling and just enough to support the rights of the various actors to obtain the resources they need to live meaningfully. In fact, I am calling for the pursuit of ‘minimalists’ approaches’ in the reform space. That is to say, enabling all land based actors to have access to a basic minimum of land to meet their livelihood needs.

1.7.1.2 The capability space

The capability space examines the opportunities resulting from various reform initiatives that are seen by land users as enabling and supportive of their daily activities. This should not be limited only to opportunities but also take into account constraints and inhibitions as well. The expectation is that a reform process that is participatory and pro-poor should provide equitable opportunities for the various actors to have access to the resources they require. Such opportunities and/or inhibitions can take the form of credits, unconditional state transfers, land use planning, relationships and partnerships, indigenous knowledge, alternative energy, inclusion and participation and other safety nets. These factors can be

positive, as in opportunities, or negative, as in constraints that enhance or limit the ability of land users to access land resources. It basically seeks to understand the extent to which land reform initiatives are non-discriminatory against interests of one group or the other in the social system.

1.7.1.3 The poverty reduction space

The poverty reduction space simply examines the opportunities and/or constraints space to ascertain the extent to which they are just and enabling for the poor to escape poverty. They are considered just and enabling when the ability of the poor to access, withdraw, manage, exclude and alienate land resources are enhanced and vice versa. These terms are further explained in the following:

Access refers simply to the right to enter the area. *Use, or withdrawal*, rights refer to the right to obtain resources, such as timber, firewood or other forest products, and remove them from the forest. *Management* refers to ‘the right to regulate internal use patterns or transform the resource’ (Agrawal and Ostrom, 2001: 489), which could include tree planting, timber management or conversion to agriculture. *Exclusion* is the right to decide who can use the resource and who is prevented from doing so. *Alienation* is usually understood as the sale or lease of the land, which also includes the sale of these other rights. The last three rights are seen as decision-making rights and are, therefore, particularly significant for tenure reforms (Larson et al., 2010, p. 12).

At the very basic level, pro-poor land reforms should support the rights of pastoralists, tenant farmers, women and other disadvantaged land use actors to access and withdraw land resources. Any land reform initiative which does not guarantee these basic rights cannot be seen to be pro-poor. This is the space within which poverty in the land reform space should be assessed. This is so because inability to access and withdraw land resources impoverishes these categories of actors and vice versa. Providing an escape route from poverty, therefore, means guaranteeing these basic but essential rights of the disadvantaged. These are the rights which will enable the poor to afford food, raise income, construct housing, educate their

children and clothe themselves. Deny them these rights and they will not be in a position to meet these basic necessities of life.

1.8 Conclusion

Poverty has been with the human race since creation. Indeed it is such a vexed concept that there is no universal consensus on what constitutes poverty or how it should be addressed. As a result various measures are formulated and implemented in diverse contexts with the sole intention of eradicating poverty and improving human well-being. I have sought to argue in this article that to reduce poverty, our interventions must be targeted, both at the instruments and the outcomes. This means we must be clear in our minds from the outset as to the outcomes we expect to achieve with our interventions. Applying this understanding to land reforms as a tool for poverty reduction, I have argued that the outcomes of such initiatives can only be situated within the capability approach. It is only within the capability approach that the social and environmental conversion factors which improve the land access and use rights of the poor can be properly analyzed within land reform environments. Recourse to other poverty measurement approaches, I have argued, would not necessarily offer the required outcomes.

**Land reforms and land rights change: A case study of land stressed groups in the
Nkoranza South Municipality, Ghana**

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Abstract: Ghana has since the introduction of the National Land Policy in 1999 developed and began the implementation of a Land Administration Project with the goal of ensuring transparent and secure access to land by investors as a means of stimulating national development. This study was conducted using a qualitative research paradigm. An ethnographic case study approach, construed as a merger of case study and ethnographic methods for detailed socio-cultural analysis of a phenomenon was employed to undertake the study. Although, the research acknowledges the role of community dynamics in shaping land rights change; it attributes current land rights changes to a land reform system that exposes close knit communal land resources to global resource consumption and transnational land deals. The study therefore recommends that to safeguard the land rights of vulnerable land users, land reforms must be constructed such that they embody the spiritual, physical and human worldviews of land.

Key words: Ghana, Nkoranza South Municipality, National Land Policy, Land reforms, Land rights change

1.1 Introduction

A major resource in the production mix and a foundation of the wealth of developing countries is land and it is widely acknowledged that properly designed property rights have the potential to unpack the value of land and enhance socio-economic development (de Soto, 2000; Economic Commission for Africa, 2004; The World Bank, 2002). The relevance of land to socio-economic development of nations is made much clearer by Bruce when he states that:

“The role of land tenure—property rights in land—has been a major preoccupation in development discourse from the time of giants like Adam Smith and Karl Marx

through to today's luminaries, such as Hernando de Soto. In spite of their substantially different perspectives, none of these worthies ever doubted the critical importance of land and property rights in the development process" (Bruce, 2006: 1).

Land's acclaimed importance can only be realised when proper policy directions and implementation mechanisms lead to improved and secure access to land for the greatest number of land users. Achieving this has been the domain of land reforms, "the generic term for modifications in the legal and institutional framework governing land policy" (FAO, 2003: 69). The pursuit of land reforms, however, is surrounded by theoretical and conceptual positions which posit methodological supremacy over each other.

There is that group of theorists (Cooter, 1982; de Soto, 2000; Demsetz, 1967; The World Bank, 2002, 2013) who see individualised systems of land ownership as the most appropriate way of making land available in a secure and productive manner. Others (Banik, 2008; Commission on Sustainable Development, 2008; Morsink, 1999) rather argue that land can be made much more productive and secure if the distribution of the benefits and burdens are entirely left to the bureaucratic governmental machinery. And yet still a third group (Dolšák & Ostrom, 2003; Ostrom, 1990; Ostrom et al., 2002) posit that the productive potentials of land are better harnessed when the governance processes are determined by communally defined structures and institutions.

Some other works (Anaafo, 2013; Chigara, 2004; Davy, 2009, 2012; Deininger, 2003; Manji, 2006) have advocated for integrated, contextualised, organismic and "polyrational" approaches to land reforms as opposed to the "silo" approaches being mooted. The arguments of these individuals are centred around the fact that such integrated approaches offer better options for the attainment of welfare, efficiency and equality and empowerment, the goals of land reforms as proclaimed by Platteau (1996) and Agarwal (2003).

These theoretical debates, notwithstanding, land reforms are receiving greater attention by the governments of many developing countries (Bruce, 2006). Examples include the land and real estate registration of the Kyrgyz Republic; the land titling and registration project of Armenia; the farm privatisation support project of Tajikistan; the urban property rights titling and registration project of Peru; and tenure reforms in the former homelands and South African Development Trust (SADT) (Bruce, 2006). Africa has had its fair share of these reforms and Ghana, the focus of this paper, has since 2004 been implementing a Land Administration Project (LAP) that seeks “to stimulate economic development, reduce poverty and promote social stability by improving security of land tenure, simplifying the process for accessing land and making it fair, trans-parent and efficient, developing the land market and fostering prudent land management” (Ghana Government, 2003: 3).

Broadly, this research seeks to understand the impacts of land reforms as practiced in Ghana on poverty reduction. This is examined within the context of changes in the claims and rights of different land users and implications on the sustainability of their livelihoods. This paper, through the Nkoranza South Municipality case study, seeks specifically to understand the extent to which land resource governance in Ghana, altered through land administration reforms, are contributing to change the land access and use rights of vulnerable land actors. This is relevant because, while a number of discourses (Cotula, 2007; Economic Commission for Africa, 2004; Yankson et al., 2009) have examined the changing land rights context, the role of land reforms in deepening those changes, or otherwise, has not received much attention. This is the gap being filled by this study. Ghana’s case is significant for advancing the policy and academic debate about this subject because the LAP was instituted as part of the neo-liberal imperative for economic reforms dictated by the World Bank on debtor countries.

The paper is divided into three parts. The first part introduces the study, describes the research area and discusses the methodology that was used in undertaking the research. The second part discusses the traditional land tenure of Nkoranza and the reforms that have taken place, as well as the motivations behind those reforms. The final part discusses the conception of land in the Nkoranza area, primary and secondary rights to land and how such rights have been altered by land reforms; arguing that land access and use rights grounded on consensual and cooperative community practices are now being driven by the market forces of demand and supply.

1.2 The Research Site

The district selected for this study is one of 37 others that benefitted from the Customary Land Secretariats (CLS) initiatives of the Land Administration Project (LAP). The 37 districts, located in various regions across Ghana were initially identified through desk studies and consultations with various land sector actors. In line with the research questions of this study, however, 5 out of the 37 districts were chosen for further assessment, based on desk study results. These 5 included *Dormaa Municipality*, *Ejura-Sekyedumase Municipality*, *Nkoranza South Municipality*, *Savelugu-Nanton Municipality* and *Builsa District*; chosen because they satisfied the variables of rurality (agrarian with varied, but good mix of farming and pastoralism); and diversity of land based, land stressed actors (women farmers, pastoralists and migrant farmers). These actors are defined as land stressed because pastoralists and migrant farmers are non-members of the land owning communities and their land access arrangements are negotiated outside customary practices of descent/family lineage. Women farmers, however, are thought to be adversely impacted by both customary and statutory land tenure arrangements, resulting in less than optimal access to land and other natural resources (Agarwal, 1994; Lastarria-Cornhiel, 1997).

Further analysing the districts, *Builsa* district and *Savelugu-Nanton* were eliminated because the researcher could not effectively communicate in the local dialects of those communities. Again, the research questions can be adequately answered in districts with characteristics similar to those of *Builsa* and *Savelugu-Nanton* without compromising on the need for first-hand understanding of the study issues.



Fig. 1: Map of Ghana with Nkoranza Inset
Source: Modified from FAO (2006)

Reconnaissance surveys were undertaken in each of the remaining 3 districts for the purpose of selecting the most appropriate study area. The Nkoranza South Municipality (NSM) was chosen because it exhibited dominance in the areas of migrant farming activities; good mix of pastoralism and farming; and the active involvement of women in Agriculture when compared to the

other districts. Having chosen the study area, the research sought to have a fair coverage of the district in a holistic manner. As a result, data collection was conducted along the four agricultural operational zones of the district, namely: *Dotobaa* operational zone, *Nkwabeng* operational zone, *Nkwanta* operational zone, and *Ayeredo* operational zone. Within each operational zone, respondents were selected based on availability, readiness and willingness to partake in the research.

NSM is located in the middle portion of the Brong-Ahafo region of Ghana. It covers a total land area of 1100 km² and is composed of 126 settlements. The population of the

municipality currently stands at 100,929 with an annual growth rate of 2.3 percent. Fig. 1 is a map of Ghana with the NSM inset (map not drawn to scale) (Nkoranza South Municipal Assembly, 2010).

1.3 Methods

This study was conducted using a qualitative research paradigm. An ethnographic case study approach, construed as a merger of case study and ethnographic methods for detailed socio-cultural analysis of a phenomenon was employed to carry out the study. Data was gathered from the following sources:

- Twelve (12) migrant farmers, twelve (12) pastoralists and thirteen (13) women farmers were interviewed using semi-structured interview schedules to understand the extent to which land reforms impacts their rights to access and use land. The study also recruited and interviewed eight (8) land governance decision makers drawn from traditional authority (3) and officials of decentralised governmental bodies (5) to enable an under-standing of the land governance issues in the municipality. The sample determination was governed by the key variables of heterogeneity and saturation. The land stressed, land based actors in Nkoranza are heterogeneous in composition and it was important to ensure that the sampling process was fairly inclusive of each land stressed group. The members of each participant group were also interviewed to the point where the researcher was satisfied that answers to the research issues were fairly exhaustive. For research studies underpinned by the variables of heterogeneity and saturation, 15 participants \pm 10 is sufficient for the attainment of research quality (Creswell, 1998; Guest et al., 2006; Kvale, 1996).
- Structured observation was also a key data gathering tool. It was used to scan the agricultural landscape of the NSM for an under-standing of how much land was being used and for what purpose. Key to this process was an assessment of observation data,

for the purpose of further identification, growing land use activities as well as declining land use activities and the reasons behind such developments.

- Document investigations were also undertaken as a way of con-firming, further probing and generally triangulating the data. Various legal documents, agricultural sector policies and programmes, land sector policies and programmes, reports of decentralised governmental departments, among others were the documents investigated during the fieldwork.

The unit of analysis was the individual land units. This was so because the focus of the research was on land access arrangements for various land based actors and the individual was seen as a better land unit in comparison to the household. The data was analysed qualitatively under various thematic areas.

1.4 Traditional Land Tenure and Land Reforms in Nkoranza

According to Sarpong (1999) the basis of most land holding in Ghana is customary land law. Across Ghana, however, there are considerable variations in the nature of customary law by regions, tribes and communities (Blotcher, 2006). This, notwithstanding, it is estimated that about 80 percent of land in Ghana is held by individuals, families, stools and *tendambas* under customary law (Kasanga & Kotey, 2001). Bruce (1988) observes that traditional societies in most African countries are organised such that a hierarchy of groups is the focus of land rights. He further indicates that the system is so structured such that rights are pyramiding towards a king or paramount chief.

The land governance system of the Nkoranza customary land area is similar to that described by Bruce (1988). The Paramount Chief of Nkoranza is the embodiment of the near-maximal interest in land within the Nkoranza socio-cultural structure. However, lower level divisional chiefs, sub-chiefs and clan and family heads exercise daily managerial functions of allocation, leases and grants on behalf of the Paramount Chief.

Some further insight into the origin and culture of the people of Nkoranza is deemed necessary to the understanding of the uniqueness and representativeness of the Nkoranza case study. The people of *Nkoranzaman* are part of the larger Akan ethnic group of Ghana. It is the dominant ethnic group in Ghana. The local dialect of the people of Nkoranza, however, is known as *Bono*. The *Bonos* of Nkoranza are believed to have originated from a cave known as “*Amowe*” even before documented claims of creation. According to local folklore, the Traditional Nkoranza State was founded by three old men, “*Nkokora-miensa*”. Nkoranza therefore derives its name from “*Nkokora-miensa*”, the original founders of the land. The indigenes of Nkoranza are the descendants of the three old men who founded and settled on the virgin Nkoranza State (Fieldwork, 2013/14).

All claims to land in Nkoranza emanate from the membership status of a person of the Nkoranza state. The lands are generally still understood to belong to their three great ancestors who founded the Nkoranza state. It is, however, temporarily held in trust for the ancestors and the future generation of Nkoranza by the paramount chief of Nkoranza. Although, the paramountcy acts as the overlord over customary lands in the Nkoranza state, actual decision making over land allocations and dispute resolutions rest with divisional chiefs, and clan/family heads. The traditional right to use land by the indigenes of Nkoranza is expressed through relations of lineage. In recent years, however, the communal land custodians (chiefs, clan/family heads) have found excuses within land reform initiatives and other socio-economic developments to sell out lands that belonged to, and served the collective interests of the people of Nkoranza. In the process, no accounts, whatsoever, are rendered to the larger owners of the communal land resources. The customary commons and fallow lands were generally available to all categories of land users although permission to use had to be sought from the land custodians. Obtaining access to the customary commons

was in the past quite easy as the conception of land in Nkoranza limits land only to the surface soil and excludes things beneath and above it (Fieldwork, 2013/14).

Customary land governance in Ghana is undergoing some changes due to the implementation of land reform programmes in response to land sector problems. The National Land Policy (NLP) of Ghana, published in 1999 provides a broad overview of the nature and reach of the challenges facing the land sector. They range from indeterminate boundaries of customary owned lands to inadequate coordination with neighbouring countries in the management of international borders. Government argued that these problems undermined both national and international investments in the land and natural resources sector of Ghana (Ministry of Lands and Forestry, 1999).

The NLP of 1999 was therefore immediately followed with the Land Administration Project (LAP) developed between 2000 and 2003. The LAP has been under implementation over the last decade with support from the World Bank, the Canadian International Development Agency (CIDA), the UK Department for International Development (DFID), the German Technical Cooperation (GTZ now GIZ), and the Nordic Development Fund. The NLP and its accompanying LAP are the most visible central governmental response to the rather numerous challenges plaguing the land sector in Ghana (Aryeetey, 2007).

The implementation of the NLP and the LAP seek to strengthen chiefly administration of land, as evidenced by the establishment of Customary Land Secretariats (CLS) under their auspices (Ubink & Amanor, 2008). The CLS are mandated to keep and maintain records of land dealings in the locality; provide information about the land owning community to the public; keep records of all fees and charges associated with land deals; and promote the use of Alternative Dispute Resolution (ADR) to settle land related conflicts. The CLS of the NSM was established in 2008 under the aegis of the Paramount Chief. It is housed in the

palace of the Nkoranza Paramountcy and composed of 27 members, most of whom are caretaker chiefs of lands on behalf of the Paramountcy.

The land reform process of Ghana adopts an “agency method” to the legal recognition of customary tenure. Fitzpatrick (2005) discusses a number of “‘*Best Practice*’ Options for the Legal Recognition of Customary Rights.” He identifies these to include: the minimalists approach, the agency method, the group incorporation method and the land boards approach. While not delving into the different approaches, the agency method which mirrors Ghana’s land reform approach entails the appointment of an agent to represent a customary group in all its land dealings. The agents, under this system are so empowered that deals reached between them and investors cannot be invalidated in the event of disputes within landowning groups. While the approach has the potential to simplify dealings in land, it is seen as a colonial relic of a kind resembling the “indirect rule system” which was introduced by colonialists in British West Africa. It is also seen to have the potential to empower agents, who may then act contrary to the interests of the customary groups they represent (Fitzpatrick, 2005). Its most recent application was in Papua New Guinea in 1971, where it was withdrawn after criticisms of its potential for abuse by the agents (Trebilcock, 1984).

Land reforms in Ghana adopted the agency method because of its potential to enable government achieve its objectives of simplifying and liberalising the land market. It had been argued (Ministry of Lands and Forestry, 1999) that the identified land sector problems stifled investments in the land sector. The goal of land reforms therefore was to “stimulate the national economy, and reduce poverty by simplifying the process for accessing land and making it fair, transparent and efficient, developing the land market and fostering prudent land management” (Ghana Government, 2003: 3). The goal and objectives of land reforms in Ghana are neo-liberal in inclination. This claim is supported by the multiplicity of policy initiatives and land sector interventions that have been implemented over the years in support

of liberalising the land market. For instance, the land component of the programmes of the Millennium Development Authority (MiDA) sought to improve access to rural lands with secured title within the LAP framework by ensuring a clear definition of property rights through improved titling (Karikari, 2006). Other programmes such as the Ghana land bank information directory compiled in 2008 (Ministry of Lands, Forestry and Mines, 2008); the Ghana Food and Agriculture Sector Development Policy (FASDEP II) (Schoneveld & German, 2013); and the Ghana Commercial Agriculture Project (GCAP) (Ministry of Food and Agriculture, undated), all seek to open up rural land for agricultural, industrial, commercial and residential developments.

Neo-liberal approaches to land reforms are not new. Initial foundations to neo-liberal land reforms were espoused by Coase (1960); Demsetz (1967) and Hardin (1968). Demsetz (1967), for example, argues that legal rules surrounding property evolve to reach efficient outcomes, mostly from communal systems to private systems of land ownership. Renewed interests in neo-liberal land based solutions to pro-poor development, however, are as a result of high profile works (de Soto, 2000; The World Bank, 2002, 2013) suggesting a positive correlation between individualised systems of land ownership and development. Conclusively, however, neo-liberal land reforms seeks to ensure that land resources are capable of “being divided, combined or mobilised to suit any transaction” (de Soto, 2000: 157). Compared and contrasted with the goal and objectives of the NLP, the LAP, as well as other governmental policies and programmes, a justifiable claim can be made that Ghana is seeking to implement a system of individualised land ownership.

Ghana’s recourse to neoliberal land reforms has, however, been criticised for its potential to rather create insecurity for various customary usufructuaries. Blotcher (2006: 177) argues for instance that “a system that cannot deliver on its promise of predictability may be worse than no formal system at all”. Again, Ghana’s recourse to the agency method of land

reforms seems to have neglected the long held view that chiefs have in the past used their positions to redefine property rights for their personal benefits (Firmin-Sellers, 2007). Aryeetey (2007) also criticises the policy on the grounds that it adopts an overly technocratic approach to the issue of land tenure reforms as it ignores the political considerations and other problems associated with land tenure reforms. He also emphasizes that the problems of spiralling agricultural rents; the high cost of urban land; the wanton alienation of land by chiefs; discriminatory land allocation against certain members of landowning families; and the growing insecurity of secondary land interests among others are problems not addressed by the policy.

1.5 The Conception of Land in Nkoranza

The people of Nkoranza have a conception of land that is well situated within the *Akan* tradition and cultural practices. Land is perceived as a spiritual asset, cultural resource, economic status symbol, social capital and divine creation. The local and/or traditional understanding of land is an important ingredient in the determination of the most appropriate reform interventions to be implemented in any given area.

Within the study area land is first and foremost perceived by the people as a divine creation. During interviews there were the recurrence of such phrases as “*land belongs to God*”; “*land is a creation of God for the use of mankind*”; and “*God owns the land, we are temporary caretakers*”. There were also other categories of people who perceived land in divine terms but related it to traditional African spiritual practices. These individuals discussed land as an ancestral heritage requiring annual purification in the form of pouring of libation to ancestors. They pointed out that within their socio-cultural setting; land is referred to as “*Asaase Yaa*” (i.e. earth goddess). In that respect, members of the society are mandated annually to provide yam, chicken and drinks to be offered as sacrifice to their “earth goddess.” These are done to ensure that *Asaase Yaa* continues to produce bumper harvests from Her

bellies to support livelihoods. By perceiving land in this light, certain conducts are also considered abominable. These include working the “*earth goddess on her natal days, having sexual intercourse in the forest, visiting certain water bodies during menstrual periods of a woman, spilling innocent human blood on the earth goddess*” among others. Indulging in any of these acts is considered detestable and requires the purification of the earth goddess by offering traditional sacrifices to avert calamities befalling the community (Field interviews, June–August, 2013).

Land is not only a divine or spiritual resource but also a socio-economic asset and status symbol. It was variously described as “*agyapadee*” (i.e. property) bestowed on humanity by God. Land is also observed under this notion as a “*symbol of wealth and a livelihood support to families in the form of food, meat and energy.*” In this respect the people of Nkoranza perceive land as an inheritance from their ancestors meant to support their economic wellbeing and portray the might of Nkoranza (Field interviews, June–August, 2013).

Land is also understood by the people of Nkoranza to connote an ancestral heritage. It is believed to have been handed down to the present generation by their ancestors who were the first to settle on the virgin land. Expressions such as land symbolises “*our first settler status*”; it is our “*ancestral heritage*” and it is a “*heritage of the local people and a symbol of the traditional authority*” were used to refer to land (Field interviews, June–August, 2013).

The local understanding of land of the people of Nkoranza sits well within the understanding of the worldview of most indigenous African societies. Worldview, is used to refer to the set of assumptions, perceptions and meanings that people employ to explain reality and their place and purpose in this world (Mkhize, 2004). The understanding of land as espoused by the people of Nkoranza is situated within the general African worldview that

land, water and other gifts of nature are not just economic resources and factors of production but are also resources within the sanctity of nature (Millar, 2004).

The local views expressed are also quite well situated within the traditional Ghanaian understanding of land as belonging to a triad – the living, the dead and the yet unborn. The point is made by Mbiti (1991) and Mkhize (2004) that in many Ghanaian societies the universe, which invariably can be termed land, has dualistic meaning – the physical and the spiritual, although the two are said to be paradoxically one unit.

These nuanced and interwoven understanding of land by the people of Nkoranza influences their actions and relationships with nature generally and land in particular. The worldview of land by the people of Nkoranza is that of a communal property bestowed on them by divinity to be used wisely and held in trust for generations yet unborn. This worldview of land by the people of Nkoranza is similar to that expressed in Gonese (1999 quoted in Millar, 2004: 3) of the Shona Cosmovision.

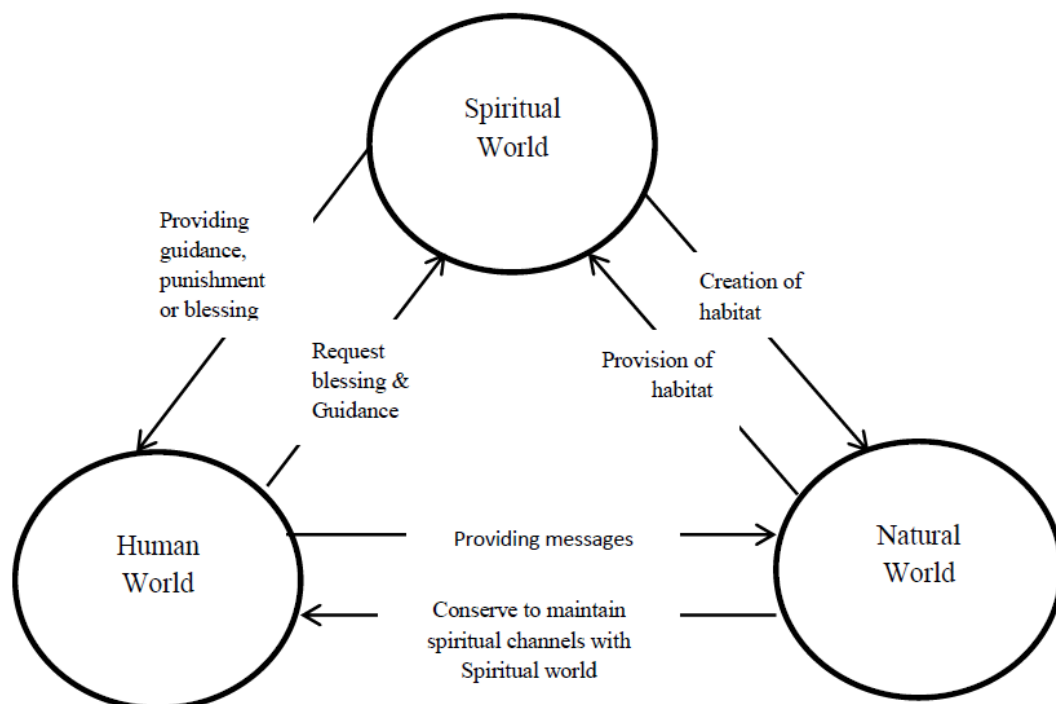


Fig 2: The Shona Cosmovision

Source: Millar (2004: 3)

Fig. 2 shows that there is a clear linkage between the human, the natural and the spiritual worlds on matters of land. The human world through anthropogenic activities provides messages to the natural world, which is met by an appropriate response, either through catastrophes requiring action or increased yields. But humans in our activities also seek blessings and guidance from the spiritual world, and expect and or actually do receive appropriate responses in the form of blessings or punishments based on our conduct. The spiritual world is the creator of the habitat of the natural world but yet as per our beliefs the spiritual world is part of the natural and human worlds.

People are at the centre of the cosmovision and are therefore expected to exhibit the kind of conduct that makes it possible for them to avoid punishment and receive blessings from the spiritual world, while maximising their welfare from the natural world. They are also to ensure the provision of the right messages to the natural world that would lead to conservation of the channels to the spiritual world. This understanding of land shaped rights to land in the past, in the NSM, with chieftains expected to conduct the affairs of their communities such that they avoid punishment but receive blessings from the ancestors by ensuring fairness and transparency in the allocation of such a vital communal resource.

1.6 Rights to Land in the Nkoranza South Municipality

Two broad categories of rights to land were identified in the NSM. These are primary rights and secondary rights. In this paper land rights is used broadly to encompass rights of access, withdrawal, management, exclusion and alienation. Land rights are also defined here as “claims that are legally and socially recognized and enforceable by an external legitimized authority, be it a village-level institution or some higher level body of the State” (Agarwal, 2002: 3).

1.6.1 Primary rights to land in Nkoranza South Municipality

There are several ways by which primary rights to land in the NSM can be exercised. The mode is, however, dependent on one's position as an indigenous or a non-indigenous person of the Nkoranza customary area. All indigenes have a birth right to land through the kinship relations. Non-indigenes, on the other hand, can obtain primary rights to land through grants, sharecropping, long term leases and outright purchase. Primary rights, refer to the set of rights approximating "fee simple absolute", the "customary freehold or ownership" guaranteeing the owner rights in perpetuity to the access of a specified land (FAO, 2003: 16–17). Primary land rights are generally inheritable, secure, permanent to a certain degree and inalienable but alienated; that is to say not saleable but transferable. Primary land rights exercised through family lineage often take the form of inheritance. An interviewee of the Nkwabeng community had this to say on her land rights:

"The land I work on was inherited from my mother. I have my portion and other siblings also have theirs. My uncle gave me land to work on but it was taken back last year and given to another family member. I cultivate yam, maize, groundnuts and pepper. If I require more land for any purpose I will have to discuss that with my family head (Abusuapanin). If there is any vacant family land he can authorise that I use it. I had education only to the level of class 3 and farming is my only occupation. I also did have access to the family lands of my husband but I have since been divorced and have had to give back those lands.

I can do whatever I wish on the family lands which are at my disposal except having to sell them off. These are family lands and must be kept for use by future generations. I cannot also cut down timber trees for personal use. To do so I require the consent of the Abusuapanin. These days, however, people are able to will out their lands and

other properties directly to their children, instead of their nephews as custom demands.” (Personal Interview, August, 2013).

The position expressed in this interview was re-echoed in several other interviews. This position is affirmed by a study conducted by the Nkoranza South Municipal Assembly (NSMA) in 2010 where it was realised that 66 percent of farmers in Nkoranza gained access to land through family inheritance; 28 percent through rentals and 6 percent through outright purchase (Nkoranza South Municipal Assembly, 2010). Inheritance in the NSM is matrilineal. Matrilineal inheritance is a system of inheritance whereby descent is traced through maternal ancestors. It is evident from the interview that primary land rights are not as stable as they used to be because the respondent did indicate that family land which was in her possession had been re-allocated to another family member and it is even possible for the land to be sold to some external economic interest. It is therefore fair to conclude that as land becomes scarce due to large family sizes contestations are on the increase and inheritance rules are changing as a result.

Under the matrilineal system of inheritance practiced in the Nkoranza area in particular, and in Akan societies generally, “a man inherits from a man” and “a woman inherits from a woman” (Awusabo-Asare, 1990: 7). This implies that, nephews are heirs of their uncles while nieces and daughters are heirs of their aunts and mothers. Under this system, children are not expected to directly inherit the properties of their fathers, although fathers have the duty to ensure that their children are sufficiently prepared either through formal education or technical/vocational training to face up to the realities of life. Principally, while a man only inherits from a man, and likewise for women; a uterine sister can inherit her brother’s property. Male children are also capable of inheriting their mother’s property and nieces can also inherit from their uncles, although nephews often get the first consideration over inheritance related issues (Gedzi, 2012). The customs of Nkoranza frown upon women

and/or their children inheriting the properties of their husband/father. However, a man willing to give up his acquired property directly to his wife/children must do so in the presence of his family members while he is still alive (Nkoranza South Municipal Assembly, 2010). While matrilineal inheritance may seem to favour women over patrilineal inheritance, in reality there is no much difference between them as in both cases male children are given the first consideration over inheritance of properties. Field level data collected in the NSM support wide held notions (Awusabo-Asare, 1990; Gedzi, 2012) that this is the case because the needs of women will be more likely met by their husbands. There is also the general notion that lineages risk losing their properties in case women decide to transfer them to the lineages of their husbands. On the contrary male members who inherit family properties including land retain them in the family to be transferred subsequently to future generations. The passage of Ghana's Intestate Succession Law 111 (1985) has done little to avert this situation (Gedzi, 2012). The NSM case study, however, portrays a trend whereby individuals are willing their acquired properties directly to their sons and daughters as opposed to their nephews and nieces. This was attributed by the Queenmother and various other interviewees to exposure to formal education and dominance of Christianity and Islam over Traditional religion and its practices, generally.

People also gained primary rights to land in the past through political incorporation. This was the case when chiefs and other custodians of land accommodated migrants who exhibited extreme communal spirit (*Kroye*) and a high sense of responsibility and respect to local community customs. An interviewee of the *Babiani* community had this to say:

"My father migrated to this community in the 1960s. He was readily welcome and to date he cultivates lands that were gifted to him by the chief and his elders. We are originally from Bongo-Beo in the Upper East Region but we expect that in the unlikely event of the demise of our father, we will still be given the right to use

portions of the land. It is, however, impossible for land to be granted to any migrant these days because of land scarcity. These days migrants access land purely through rentals” (Personal interview, June, 2013).

As evident from the narrative, it is obvious that land access through political incorporation is an outmoded practice and land access by migrants is only negotiable by rental agreements, long terms leases and outright purchases.

Primary rights to land in the Nkoranza area were in the past, also obtainable through sharecropping arrangements involving permanent tree crops. The advent of cocoa farming in the 1960s and 1970s and later cashew led to a situation whereby landowners gave out lands to migrants to cultivate on sharecropping arrangements. The farmers cultivated the lands and $\frac{1}{2}$ or $\frac{2}{3}$ went to the farmer and the other $\frac{1}{2}$ or $\frac{1}{3}$ going to the landlord under arrangements locally referred to as “*abunu*” and “*abusa*” respectively. These arrangements no longer exist and the only means by which non-natives of Nkoranza can obtain primary land rights now are through long term lease arrangements and outright purchase of a piece of land. In separate interviews with migrant farmers, they lamented the high land values associated with purchases and long term leases. They rather prefer to rent on annual basis, although rentals do not guarantee them primary rights. As a result long term lease arrangements and purchases covered by deeds and titles as was evidenced from records at the CLS are the preferred options of large scale commercial farmers investing in mango, teak, cashew and oil palm plantations across the landscape of the NSM.

The acquisition of large hectares of land for commercial farming is made possible through land reforms which tacitly support the alienability of land by chiefs. Customary land rights guaranteed natives and to some extent non-natives secure, inheritable rights to land. This is affirmed by Kasanga (1996) that the full enjoyment of the fruits of one’s labour and efforts are guaranteed, and in regard to land, no man is ‘big’ or ‘small’ in his own village or

town. This can no longer be the case as chiefs are now “too big” while natives are becoming “really small”. Ubink et al. (2009) also observed that chiefs in the peri-urban areas of Kumasi, Ghana use their claim of allodial title to appropriate lands from farmers and sell them to real estate developers and in the process making huge profits to themselves. The implications of these developments are that usufructuary land rights negotiated through gifts and sharecropping arrangements are giving way to monetary transactions; large scale agriculture is taking the place of smallholder agriculture and the customary commons are disappearing, deepening poverty in the process.

1.6.2 Secondary land rights in Nkoranza South Municipality

Secondary land rights also often referred to in the literature as derived rights are defined as “non-definitive transfers of use rights in favour of someone outside the family group” (UN Habitat & Global Land Tools Network, 2008: 6). Such secondary transfers are said to encompass rental arrangements, sharecropping or indigenous forms of loans, mortgage or pledge. Characteristically, they are dependent on social relations, are diverse, dynamic and subject to constant change and evolution.

Secondary rights to land in the NSM have undergone several changes. Such rights started as grants, evolved into sharecropping arrangements and now take the form of rental agreements. It is important to indicate at this stage that contrary to popular claims of the existence of the customary commons in Africa (Toulmin, 2006; Toulmin & Quan, 2000), the phenomenon was not observed in the NSM. Indeed the Municipal Magistrate Judge in a personal inter-view indicated that “there is no vacant land in Ghana as all lands belong to one group, family, stool or individual” (Personal Interview, July, 2013). This was the position even as far back as the colonial days when the Aborigines Rights Protection Society (ARPS) in an argument against the introduction of the Crown Lands Bill in the Gold Coast (now Ghana) indicated that all lands in the country had owners and that the declaration of crown

lands in the Gold Coast was a violation of the rights of the people (Ubink & Amanor, 2008). Places that have some semblance of community commons in the NSM are sacred grooves, although there is also restricted entry to such places.

Indigenes and non-indigenes of Nkoranza, in the past could obtain secondary rights to land by way of gifts. Landowning families gave out land to landless members of the communities for agricultural activities. This practice was common with land stressed indigenes as well as migrant families. Access to such land as grant was usually dependent on demonstrated good behaviour as can be attested to by community members. An interviewee of the *Koforidua* community claimed: “*Menfa masaase enma mansotweeni*” to wit; I will not give my land to a litigant on grant. This is still relatively practiced among indigenes but has since phased out on migrant–landlord land use relations.

Sharecropping known locally as “*abunu*” and “*abusa*” are the other means through which secondary rights to land can be obtained. Under *abunu* arrangements, the farmer who tills the land gets $\frac{1}{2}$ of the farm produce while the other $\frac{1}{2}$ goes to the landowner. Under *abusa* arrangements, the farmer gets $\frac{2}{3}$ of the farm produce with $\frac{1}{3}$ going to the landowner. It is said to have emerged in the 1960s and 1970s in response to increasing demand for land and labour for the cultivation of commercial crops such as cocoa, oil palm and much later cashew. It later evolved to encompass food crops cultivation. It is viewed by migrant farmers as unfair although it is the only means through which they obtained primary rights to lands in the past. Landless farmers assumed primary ownership of lands after the division was reached between them and their landlords because the crops were permanent trees. Sharecropping, be it on commercial crops or food crops, has since been phased out, and this is triggered by changing inheritance systems and increasing land deals among others (Field interviews, June–August, 2013).

Grants and sharecropping arrangements have now given way to rentals. Rentals of land in the NSM take two forms, depending on the community, the landowner and or both. In some instances, rental agreements take the form of 100 kg bag of maize to an acre of land per farming season. Because Nkoranza has a bi-modal rain-fall pattern and two farming seasons, it implies 2 bags of 100 kg of maize per acre per year, if this arrangement is entered into. In other instances, rentals take the form of GHC50.00/USD25.00 per acre per year. Rentals are also mostly on annual basis and in some rare occasions biennially.

In the past secondary rights also covered such activities as hunting, gathering of fruits and other resources, harvesting thatch, harvesting roots, barks and leaves of medicinal plants, picking snails, and harvesting other timber and non-timber forest resources to support livelihoods. These practices have since disappeared. In the words of an interviewee of the *Dandwa* community:

Growing up, we had free access to all manner of resources with-out having to seek permission from anybody. Mangoes were left rotten all over the place and picking them for consumption was seen as cleaning up the environment. Most of the natural resources we required were seen as wild plants and animals. Nobody made any deliberate effort to cultivate them or ensure their growth and access was restricted. Although, all such resources still exist they have attained commercial value. Vehicles come from Accra and other cities to buy mangoes every season; bush meat is now sold along the major highways to rich consumers; and herbal medicine is gaining much popularity these days. So whatever resource you find on your land can be sold to one person or the other. And we are all protecting that which belongs to us (Personal interview, July, 2013).

1.6.3 Summary on land rights and implications for future land access

Rights to land, as have been narrated are customarily embedded in the socio-cultural practices of the people of Nkoranza. These rights have, however, undergone some changes due to combination of a number of factors. Table 1 has been employed to summarise the past and present land rights situation, thereby providing a basis to examine the forms that primary and secondary land rights are likely to assume in the future.

Table 1: Past, Present and Future Trends to Land Rights in Nkoranza

Trends	Past	Present	Future
Rights			
Primary	<ul style="list-style-type: none"> • use only rights • property of the collective social group held in trust by the stool in practice • restricted to indigenes • secure, inheritable and not alienable • had features of a gift and a sacred object 	<ul style="list-style-type: none"> • use only rights • property of the collective social group managed by the custodians • restricted to indigenes, buyers and lessees • less secure, inheritable and alienable • has features of a commodity and a sacred object 	<ul style="list-style-type: none"> • use only rights • property of custodians under use by the collective social group • available to indigenes, migrants and buyers on lease, rentals and sale bases • secure, inheritable and alienable • features of a commodity
Secondary	<ul style="list-style-type: none"> • access and use only rights • had no restrictions • managed by the collective social group 	<ul style="list-style-type: none"> • disappearance of access and use rights • restricted use dependent on community in question, availability of resource and position in community as an indigene or tenant • managed by individual land owners 	<ul style="list-style-type: none"> • No access and use rights • restricted use based on contractual agreements • managed by individuals and business interests

Source: Fieldwork (June – August, 2013)

The conclusions that can be drawn from Table 1 are that, custodians are likely to strengthen their hold over land – a hitherto communal resource only held in trust. This could lead to increased sales, the absence of secondary rights and further pushing the rights of natives to one approximating that of tenants. This could create landlessness for the majority of land users with the attendant negative consequences.

The extent to which primary and secondary land rights are undergoing changes in the Nkoranza South Municipality is akin to findings made by Amanor (1999) about the degree to which new land pressures and commercialisation of land resources have led to contestations and redefinitions of rights to land and labour in the cocoa, oil palm and forestry areas of Ghana.

1.7 Triggers of Land Rights Change

The changing land rights in the NSM are related to several factors, paramount among which is the national land policy objectives and reform processes and global resource consumption and multinational land deals, categorised in this study as external influencers. Others such as rapid population growth, changing socio-economic and cultural dynamics and changes in the quality of the land resource base have also been influencing factors. These, however, have been part of the evolutionary processes of land governance throughout the history of Nkoranza and can be appropriately termed internal influencers. A brief overview of the internal influencers is made, while the external influencers which are considered as unsolicited interventions into an otherwise self-evolutionary system are discussed in detail.

Nkoranza's population has more than quadrupled within a relatively short period of 50 years. It grew from 22,923 in 1960 to 100,929 in 2010 (Nkoranza South Municipal Assembly, 2010). Within the same period the land area of NSM declined from 2602 km² to 1100 km² after the Nkoranza North District Assembly was carved out of it. Rising population and declining land area leads to growing competition among family members for lineage resources. There is growing mistrust and general fear among family members that "they can be cheated off their land by other close relatives" (Field Interviews, June–August, 2013). The rapidly growing population of Nkoranza is leading to land fragmentation among family/lineage members and creating emergent classes of land stressed families (Nkoranza South Municipal Assembly, 2010).

The socio-cultural systems that governed communal land rights are also changing. Customary inheritance in Nkoranza is fast evolving from matrilineal to patrilineal system. As earlier indicated, this evolution is attributable to growing literacy levels combined with the dominance of Christianity and Islam over Traditional religious beliefs. The family system which governed kinship relations and for that matter inheritance practices is also changing from extended family system to nuclear family systems (Nkoranza South Municipal Assembly, 2010). The gradual but continuous breakdown of the family and inheritance systems coupled with the rapidly growing population combine to alter rights to land in the NSM. This development is not peculiar to Nkoranza as studies by Cotula (2007) established that extended family systems have been reconstituted and re-interpreted over time due largely to colonial and post-colonial influences leading to changes in the customary land tenure systems in Africa.

The quality of the land resource itself has also undergone drastic changes. The different groups of land users interviewed for this study indicated that the land is no longer supportive of productive activities. To make it productive large doses of fertilizer must be applied leading to increases in cost of production. This development has led to increased drudgery and pushed vulnerable groups such as women farmers to the marginal lands of family/lineage land resources. The 2010 Medium Term Development Plan of the Nkoranza South Municipal Assembly identified declining soil fertility, declining soil fertility due to uncontrolled deforestation, bushfires and erosions and pests and diseases outbreaks affecting crops and livestock, especially the annual infestation of army worm in the municipality among others, as the major problems facing the agricultural sector (Nkoranza South Municipal Assembly, 2010).

These variables are internal to Nkoranza and its resource governance systems. As such they are evolutionary responding to societal land needs, governance challenges as well

as economic and production concerns. While they may equally pose challenges their evolution over a period of time allows for internal adjustments and readjustments and as such the effects may not be too drastic.

Beyond the internal factors is a land governance system altered through land reforms, which is the main driver of contemporary land rights change and also contributes to exacerbate the internal variables. A key indicator for monitoring progress towards the realisation of the goal and objectives of LAP is the “titling and registration of 300,000 parcels of urban land to individuals and at least 80 allodial titles to stools, skins, *tendambas*, clans and families” (Ghana Government, 2003: 3). The Customary Land Secretariats, to which allodial titles have been issued, vesting land ownership in chiefs, were created to achieve this indicator. This is a reconstructive policy which equates allodial titles to outright ownership of land and places the management of land resources at the discretion of chiefs.

This policy measure has opened up the land resources of Nkoranza to the forces of demand and supply and metropolitan capital. Within Nkoranza the goal of government is being met by the increase in the number of land deals involving multinational corporations and wealthy Ghanaian investors in teak, mango, cashew and jatropha plantations. Records available at the Nkoranza CLS indicate that over 600 building plots and 150 large scale agricultural plots have been sold or leased to buyers and investors between 2008 and 2013, five years into the operations of the CLS. British American Tobacco (BAT) also owns 5198 ha of teak plantation in Ghana; most of which is in the *Bonsu* area of Nkoranza (Ministry of Lands and Natural Resources, 2013). The National Land Bank Directory of Ghana also indicates that about 54,231.8 ha of land have been banked in the Brong-Ahafo region of Ghana, ready to be leased to investors. The directory further states that most of these lands are stool lands located in the *Nkoranza* and *Kintampo* districts of the Brong-Ahafo Region, both of which are under the customary allodium of the Nkoranza Paramountcy (Ministry of

Lands Forestry and Mines, 2008). There are also about 1500 ha of mango and 4100 ha of cashew plantations scattered across various locations of the municipality, owned by wealthy Ghanaian and foreign investors (Municipal Agricultural Development Unit, 2013).

According to Tsikata & Yaro (2011) there is close to 1,000,000 ha of transnational land acquisitions in the *Pru*, *Atebubu-Amantin*, *Gomoa East*, *Mfantsiman*, *Dangbe West*, *South Tongu*, *North Tongu*, *Nkoranza*, *Asante Akim North*, *Sene*, *Yendi*, *East Gonja* and *Central Gonja* districts of Ghana, mainly for the production of mango, jatropha and rice. Schoneveld & German (2013) in a study on the new commercial land pressures on Ghana also observed that investors have acquired about 2 million hectares of land across Ghana, arguing that this constitutes about 91 and 99 percent of the total area that is agro-ecologically suitable and potentially available for agriculture. Cotula (2007) also catalogued a number of factors responsible for changing land tenure systems in Africa, identifying among others demographic change, urbanisation, integration in the world economy, socio-economic and cultural change, HIV/AIDS, conflict and public policy and legislation. Under current developments land rights in the NSM will change drastically in the future with attendant land access problems.

Contemporary land rights change in the NSM and elsewhere in Ghana are the direct results of the national land policy goals that open up the land resources of close knit communities to global resource consumption and transnational land deals. Ghana's reconstructive and re-interpretive land policy giving legal recognition to land ownership by chiefs in contravention of established customary practice alters rights to land for diverse land users. Blotcher (2006: 179) observed that land in Ghana has multiple owners, the chief being the title holder with many other "rights-holders claiming lesser interests of possession, use, or transfer". Implicitly, land rights as existed customarily in Nkoranza did not repose absolute ownership in any individual, be they chiefs, investors or customary usufructuaries. "It is,

instead delimited by a strong sense of community directed obligation, and rooted in a contextual network of mutual constraint and social accommodation” (Gray & Gray, 1998: 21). Land in the Nkoranza South Municipality is “primarily a spiritual affair” and land reforms erred by focusing on “artificial jural abstractions rather than physically verifiable phenomena” (Gray & Gray, 1998: 9, 14). The fundamental argument of this paper is that the allodial title reposed in chiefs needs to be seen in the traditional sense as a responsibility bestowed on chieftains to mediate equitable land access for their subjects and not a call to exercise ownership. The reformed system puts excessive regulation into the hands of chiefs and this is fading into confiscation of ownership, a practice unintended under customary land tenure relations. The reformed land tenure system has liberalised the land market of Nkoranza and contributed significantly to offset the natural balance of evolutionary community dynamics, ranging from population growth to inheritance practices. The overall effect is a land tenure system incapable of responding to the land access and use rights based on arrangements external to the market.

1.8 Conclusion

Land rights are constantly changing and this study sought to understand the factors behind such changes in the Nkoranza South Municipality of Ghana. In so doing, the research examined the changing land rights situation to come to the conclusion that there are internal and external drivers of those changes. The internal factors are part of societal evolution and as such respond effectively to changing needs and problems. The external factors pose serious challenges to land resource governance as they seek to alter local land relations, by creating an agent who now acts as a land owner over communally owned resources. The study concludes that the main drivers of land rights change in Nkoranza currently are the national land policy objectives and global resource consumption and transnational land deals. While the national land policy objectives are being met as investors are able to obtain land,

covered by deeds and titles in a secure manner, local customs and land rights are being reconstructed and this can have serious consequences for local land users.

In the light of the developments, espoused in this study, it is concluded that land reforms can be made much more beneficial if they are so constructed that they embody the spiritual, physical and human worlds, the elements of the cosmovision of the people of Nkoranza and Ghana in general.

1.9 Recommendation

The study recommends that lands in Ghana, viewed generally as belonging to a triad, exhibit characteristics of commodities, gifts as well as sacred objects referred to in the cosmovision as human world, natural world and spiritual world, respectively. Reforms must therefore create a structure that enable land management to be conducted in an alienable and alienated (commodities/human), inalienable but alienated (gifts/natural) and inalienable and unalienated (sacred objects/spiritual) manner. Failure to take these three important features into consideration in the formulation and implementation of land policy is bound to create problems for land actors. As things stand now Ghana's land reform process is a departure from such a well-defined system, which create opportunity for the inculcation of our customs into land reform processes. Such an approach is an anthropological view long espoused by Godelier when he argued that:

“For people not only live in society, like the other primates and social animals, they also produce society in order to live. And it seems to me that to produce society, three bases and three principles must be combined. There must be certain things that are given, others that are sold or battered, and still others that must be kept for good. In our societies, buying and selling have become the main activities. Selling, means completely separating the thing from the person. Giving means maintaining something of the person in the thing given. And keeping means not separating the

thing from the person because in this union resides the affirmation of a historical identity that must be passed on, at least until such time as it can no longer be reproduced. It is because these three operations – selling, giving, and keeping – are not the same that objects in these contexts are presented as respectively as alienable and alienated (commodities), as inalienable but alienated (gifts), and as inalienable and un-alienated (sacred objects)” (Godelier, 2004: 9).

Do Land Reforms have Adverse Impacts on the Livelihoods of Poor Land Users?

Evidence from the Nkoranza South Municipality, Ghana

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Abstract: Poverty reduction is the overarching goal of most development interventions in the developing world. Ghana has since 2004 been implementing a land reform policy/programme seeking to improve tenure security and reduce poverty. This study uses qualitative methods to analyse the extent to which land reforms are enabling or inhibiting poor land users in Ghana exit poverty and improve their living standards. The study finds that Ghana's land reform system redefines customary land governance resulting in breakdown of the trusteeship ethos of the chieftaincy institution, increasing land sales, insecurity of land tenure for the poor and disappearing commons. These, have adverse impacts on poor peoples' ability to meet livelihood needs. The study concludes that for land reforms to be pro-poor, they must be pursued as part of broader, holistic and integrated development initiatives.

Keywords: Ghana, Nkoranza South Municipality, Land Reforms, Women farmers, Pastoralists and Migrant farmers

1.1 Introduction

“He who owns land may use it for subsistence farming or for the production of cash crops while being free at the same time to sell his own skill and labour for whatever wage, salary or profit he can get. Deprive him of his land and you confine his range of choice to wage-earning or starvation” (Bentsi-Enchill, 1964, p. 3).

Productive and renewable natural resources such as land are a major source of subsistence, economic wellbeing and the formation of social capital among the rural poor. The FAO (2007) estimates that about 70 percent of the world's poor live in rural areas and depend directly or indirectly on the natural resource base for food production, animal husbandry, fishing, trade, forestry, water and fuel. Maxwell & Wiebe (1998) also provided adequate qualitative and quantitative data to support the claim that a reduction in, or outright

loss of, access to land in an agrarian setting leads directly to a reduction in household income and access to food.

Recent land policies (Deininger 2003; FAO, 2002; UN-Habitat, 2003) largely acknowledge land as a fundamental livelihood asset, a key input in the rural economy, a primary resource for generating livelihood and a major vehicle for investing and accumulating wealth and transferring it between generations. This realisation notwithstanding, there is gross neglect of certain categories of land users in crafting and implementing national land policy programmes across the developing world. It is argued (Agarwal, 1994; Kevane, 2004; Lastarria-Cornhiel, 1997) that women have often been disadvantaged by both customary and statutory land tenure arrangements resulting in weaker contractual rights to land, water and other natural resources. This phenomenon exists despite the fact that women constitute about 43 percent of the agricultural labour force in developing countries; ranging between 20 percent in Latin America to about 50 percent in Eastern and South-eastern Asia and sub-Saharan Africa (FAO, 2011). In Ghana, it is estimated that 51.8 percent of the economically active labour force are employed in agriculture. And within the Brong-Ahafo region where this study site is located, 48.9 percent of agricultural labour force are women (Ministry of Food and Agriculture, 2011).

Another category of land users often at the margins of land reform policies are pastoralists. It is estimated that about a quarter of the total land area of the earth is under extensive pastoral practices (Neely, 2009; Sayre *et al.*, 2013). This comprises the drylands of Africa, the Arabian Peninsula and the highlands of Asia and Latin America. They also provided economic data, showing that pastoralism provides employment to about 200 million pastoral households; who raise about a billion head of cattle, camel and other livestock; and contribute about 10 percent to global meat production (Nori *et al.*, 2008). They conclude that about a third of the world's pastoral activities take place in sub-Saharan Africa, where

pastoralism accounts for 20 percent of national GDPs. Although, there is limited data on pastoralism in Ghana, FAO (2006) indicates that about 1.3 million head of cattle in Ghana are raised through agro-pastoralism. The livestock sector also contributes about nine percent to Ghana's agricultural gross domestic product and 98 percent of crop farmers in Ghana keep livestock (Asafo-Adjei & Dantankwa, undated). In spite of the importance of pastoralism to the economies of developing countries, Shivji (1998) observes that pastoralism has often been regarded as a primitive and backward practice in comparison with crop cultivation. Nomads are usually accused by farmers and agro-ecologists of having a lesser appreciation for landed property rights, and their practices are generally seen to be environmentally dysfunctional, primitive and detrimental to national economies (Hardin, 1968; Ondiege, 1996; Tonah, 2002).

Along with pastoralists and women agriculturists, migrant farmers are also marginalised by public policy on land reforms. According to Moyo (1993), a major distortion introduced and nurtured by the colonial powers in Africa was the notion that migrants who did not belong to a particular tribe are strangers and perceived as having no traditional rights to access land. Although, Moyo (1993) bitterly laments this contrived viewpoint, because it equates the tribe to the community, the idea has persisted to date in many African countries. On the contrary, it is established (Economic Commission for Africa, 2004) that the status and wealth of heads of kin and communities in the precolonial and immediate post-colonial Africa depended on their ability to politically incorporate migrants as their followers. Eventually, social relationships resulting from marriage and settlement enabled most migrants benefit from land access in a manner approximating indigenes. Recent, land policies, however, have reverted to the colonial understanding of the 'migrant' (Economic Commission for Africa, 2004).

This paper, through the Nkoranza South Municipal case study, examines the impacts of land administration reforms in Ghana on the land access and use rights of such poor land actors as women farmers, pastoralists and migrant farmers and their ability to overcome poverty and live meaningful lives. This is important because, although, a number of discourses (Agarwal, 2003; Bradburd, 1996; FAO, 2010; Manji, 2006; Yankson et al., 2009) have examined the particular situations of women farmers, pastoralists and/or migrant farmers, a few of these have taken the relatively unglamorous task of doing a comprehensive analysis involving the land access and use rights of poor land actors and situating it within poverty analysis. If done at all, it neglects the role of land reforms in shaping the land access and use rights of these groups. This neglect of a comprehensive overview, at best leads to “monorational” policy making and at worst, it deprives the poor a basic source of their livelihoods.

Land reforms and land administration reforms are used interchangeably in this study. This is so because while land reforms is the “generic term for modifications in the legal and institutional framework governing land policy” (FAO, 2003, p. 69), land administration reforms “is concerned with the management of the landholding system for land, natural resources, and fixed improvements such as buildings” (The World Bank, 2005, p. x). Land administration reforms is seen in this study therefore as a sub-set of the broader concept of land reforms. Again, the term “poor land users” is used here to refer to women farmers, pastoralists and migrant farmers because evidently, their land access and use rights are undefined and therefore unclear under various tenure arrangements.

The paper is divided into three parts. The first part discusses the historical, theoretical and analytical perspectives of the study. The second part provides an overview of the research area and the study methodology. The third part analyses the implementation outcomes of land reforms for land access by women farmers, pastoralists and migrant farmers

as well as the multi-dimensional poverty outcomes achievable by these actors, using indicators modified from the Welfare Composite Index (WCI).

1.2 Historical and Theoretical Perspectives

Until recently, land was generally considered abundant in Africa and there are even popular claims of the existence of common access resource areas all over Africa (Toulmin, 2006). This claim was long corroborated by Ensminger (1997) when she argued that until relatively recently, frontier land was plentiful all over Africa. Indeed there was the perception that land was bountiful and access to it for agricultural purposes posed no substantial challenges (Economic Commission for Africa, 2004; Tonah, 2002; Toulmin, 2006). This is no longer the situation as land sector problems confound many an African country (Tonah, 2002) and with land increasingly being commodified due largely to its finite nature, but more importantly because of commodification of agricultural production (Amanor 2010).

The last few decades have therefore seen land policy issues move up the agenda in many African countries in response to the persistence of intractable land sector problems such as: difficult access to land for agriculture and other livelihood activities, general indiscipline in the land market, boundary disputes; coupled with the need to address diverse political, economic and environmental goals (Economic Commission for Africa, 2004). As a response, land reforms have been widely embraced by many African countries as the likely panacea to these land sector problems. While Kenya's land titling program is cited by Ensminger (1997) as the best researched and most extensive neo-liberal land reform intervention in Africa, variations of such reforms were long observed in the Ivory Coast, Malawi, Botswana, Cameroon, Ghana, Lesotho, Liberia, Mali, Senegal, Sierra Leone, Somalia, South African reserves, Sudan, Swaziland, Uganda and Zimbabwe (Feder and Noronha, 1987, p. 150; Shipton, 1994. p. 365). Bruce (1998) discusses Africa's land reform attempts as encompassing the reorganisation of informal tenure systems into formal and

private property systems, commercial and community land uses, pastoralism and small-holder agriculturists and customary dispute resolution and conflicts over resources. The Economic Commission for Africa (2004), however, concludes that although, approaches and strategies to land reforms in Africa vary by country, region and historical experience, neo-liberal policy frameworks, which treat land as a market commodity rather than a public good dominates national policy designs. This section of the paper reviews the history of land reforms in Ghana as well as the neo-liberal land policy framework as the theory underpinning Ghana's current land policy design.

Ghana's land tenure system has predominantly remained customary with chieftains performing titular functions of negotiating land access for various usufructuaries, often defined to include the dead, the living and the yet unborn (Kasanga & Kotey 2001; Amanor 2010). Lands within the Nkoranza area, where this study was conducted are traditionally under the customary allodium of the Paramount Chief who has sub-divided it among his divisional chiefs, sub-divisional chiefs, clan and family heads to supervise daily land delivery. Land ownership and transfers in Nkoranza are similar to that reported in most African societies. Matlon (1994) observed that in most customary systems of land governance across Africa, use rights are assigned at the household level, while transfer rights are assigned at a higher level such as the lineage, clan and/or chiefdom. Historically, however, Ghana has, in pursuit of varying land policy goals and objectives been implementing land reforms that date back to the colonial period (Aryeetey, 2007). Renewed efforts to implement land reforms in Ghana resurfaced in 1994, when government initiated the process of formulating a National Land Policy (NLP); and by 1997, a draft policy was put forward for discussion at a national stakeholder's workshop. The finalised policy was approved in 1999. This was immediately followed with the formulation of the Land Administration Project (LAP) between 2002 and

2003; implementation starting in 2004 as part of efforts to actualise the NLP (Aryeetey, 2007).

The long term goal of the LAP is to “stimulate the national economy, reduce poverty and promote social stability by improving security of land tenure, simplifying the process for accessing land and making it fair, transparent and efficient; developing the land market and fostering prudent land management” (Ghana Government, 2003, p. 3). This broad goal was backed by specific policy objectives, including: the harmonisation of statutes with customary law; the reform and decentralisation of land sector institutions; the promotion of participatory and decentralised land use planning and management; the alleviation of land sector disputes through alternative dispute resolution mechanisms and the formalisation of the land market to instil order and certainty in land deals (Ghana Government, 2003).

The LAP is backed by various other policy documents that clearly point to Ghana’s efforts at liberalising the land market. These include the Ghana Food and Agriculture Sector Development Policy (FASDEP II), prepared in 2007 with the goal of modernising the agricultural sector to attain equitable growth (Schoneveld & German, 2013). The interventions of the Millennium Development Authority in the land sector also have neo-liberal undertones. The MiDA was set up to ensure increased agricultural production and productivity of higher-value cash and food crops in three designated areas of Ghana (northern agricultural belt, southern horticultural area and Afram basin) with the view to enhancing the competitiveness of such crops on the local and international markets. MiDA has the goal of improving access to rural lands with secured title within the LAP framework by ensuring a clear definition of property rights through improved titling (Karikari, 2006). The Ghana land bank information directory, prepared in 2008, also puts about 320,126.8 hectares of customary lands across the country into the land bank ready to be leased to investors. A very recent development in the chain of events is the Ghana Commercial Agriculture Project

(GCAP) launched in 2010 in collaboration with the World Bank and the USAID seeking to improve the investment climate in support of agribusiness development (Ministry of Food and Agriculture, undated). These measures considered together, show that Ghana's recent land reform efforts are neo-liberal in inclination.

Neo-liberalism as applied to land reforms seeks to ensure that land resources are fungible or capable of "being divided, combined or mobilized to suit any transaction" (de Soto, 2000, p. 157). de Soto, who is arguably the leading proponent of neo-liberal land reforms attributes the failures of the domestic economies of developing countries to the lack of essential property representations. He observes that without a complex system to define and protect the rightful ownership of property, capital is dead as the property cannot be mortgaged as collateral for loans, and it is not attractive to investors because it lacks fungibility (de Soto, 2000). de Soto's is a powerful voice in academic and policy circles and his claims received popular support from development agencies across the political spectrum, ranging from neo-liberal USAID and the World Bank, to social democratic Nordic governments (Nyamu-Musembi, 2006) who support neo-liberal land administration programmes in many developing countries, including Ghana (Bruce, 2006). The World Bank, which supports many land administration programmes in the developing world including that of Ghana, re-echoed the views of de Soto by arguing that poor people in the developing world, without formal title to their land are unable to use it as collateral to access credit (The World Bank, 2002, 2013).

The neo-liberal economic framework for land reforms is traceable to Coase's (1960) "The Problem of Social Cost" and "The Tragedy of the Commons" thesis of Hardin (1968). Coase (1960), demonstrated that given the underlying assumptions of neoclassical economic analysis, a clear delineation of property rights will result in an economically efficient allocation of resources. Similarly, Hardin (1968) observed that the shared use of resources by

communities inevitably pave the way for their own destruction; concluding that “freedom in a commons brings ruin to all” (Hardin, 1968, p. 1244).

A review of the goal and objectives contained in the various policy documents, as well as the planned and on-going land sector interventions fairly positions the land reform system of Ghana within the neo-liberal economic framework. The central argument of the NLP is that, it is within the neo-liberal paradigm to land reforms that equity in land allocation among competing users in a fair, transparent and orderly manner can be guaranteed. This is to be achieved by a system of titling and registration, with in-built measures (compensation) to protect the poor from becoming landless, in the event of land lost to public interest (Ministry of Lands and Forestry, 1999). It is important to indicate, however, that it is impossible to compensate for land loss in monetary terms because land is not just an economic asset but also a resource of sacred relevance to many people (Millar, 2004; Amanor 2010).

Ghana’s neo-liberal approach to pro-poor land reforms has met with several criticisms. Whitehead & Tsikata (2003) argued that the land tenure system of Ghana is characterised by multiple interests and secondary land rights. They are therefore less convinced that land title registration is capable of addressing the multiple interests in land, suggesting instead that titling will make secondary rights insecure. Bugri (2004) also argues that lessons learnt from Kenya and other countries that trialled land title registration do not support the claim that tenure security can be guaranteed under systems of titling. Aryeetey (2007) also criticises the policy for seeking to legitimise the position of the allodial title holders while doing little to safeguard the land rights of customary usufructuaries. He also argues that the policy fails to address discriminatory practices affecting the land rights of women, youth and migrant farmers.

1.3 Analytical Framework

This study uses the capability approach of Amartya Sen (1992) to examine the extent to which land reforms enable land stressed land users to access the resources they require to lead meaningful lives. The approach is used as a broad normative framework to evaluate the well-being of the diverse land stressed actors as well as the social system and policy design governing land reforms. The capability approach to land reforms has three key components. These are the land tenure/reform space, the capability space and the poverty reduction space. The framework is represented in figure 1 below.

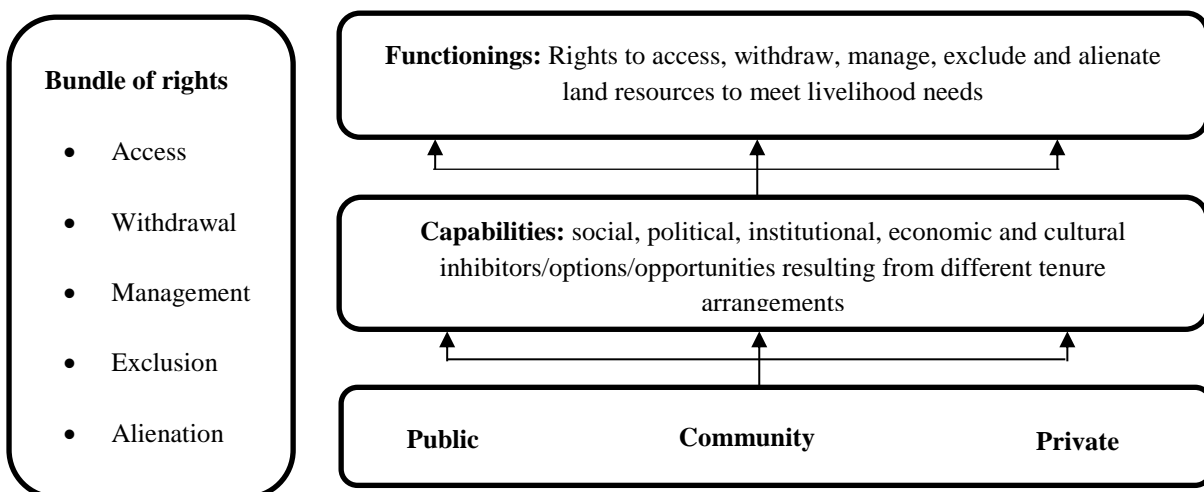


Figure 1: The Capability Approach Applied to Land Reforms and Poverty Reduction

Source: Anafo (2014, p. 15)

The land tenure/reform space is concerned with the land governance system (public, community, private or a mix), resulting from land reforms. Within this framework, there are bundles of land rights relevant for the attainment of pro-poor outcomes. These are the rights to access, withdraw, manage, exclude or alienate land resources. Modifications in the land governance system can alter these rights and therefore contribute to the attainment of pro-poor outcomes or entrench poverty. The capability space examines the land governance space to identify variables that are inhibiting and/or enhancing the land access and use rights of land stressed actors. The poverty reduction space examines the extent to which the capability space supports land stressed actors to access land resources and thereby live meaningful lives;

using indicators modified from the Welfare Composite Index (WCI) as an “alternative proxy for household wealth” (Ayadi et al., 2007, p. 4).

The personal, social and environmental conversion factors embodied in the policy making and implementation mechanisms provide a yardstick for poverty enquiry within this framework. Personal conversion factors are the personal characteristics of a person (intelligence, sex or technical skills) that enable individuals achieve meaningful livelihoods. Social conversion factors are the general state and/or community policies (public policies, social norms or power structures and relations) that help individuals live meaningfully or otherwise. Environmental conversion factors are natural or man-made environmental conditions (climate, geographical location) that enhance or inhibit the attainment of valuable livelihoods (Robeyns, 2005).

The WCI is a multidimensional tool used to measure poverty and or deprivations based on household asset ownership, housing characteristics, and education (Ayadi et al., 2007). Ten indicators classified into sub-categories of ownership of durable goods, housing characteristics and education, constitute the index. Ownership of durable assets encompasses radio, television, refrigerator, gas cooker and telephone (Ayadi et al., 2007). In this study, however, durable assets are extended to include ownership of a fan and a bicycle. A fan because during the hot dry seasons sleeping in an airy room is important for avoiding diseases such as the Cerebrospinal Meningitis (CSM). Bicycle because, it is the most basic means of transport for carting farm produce, fuel wood, thatch and forage from the forests for most rural dwellers in Ghana. Housing conditions include availability of water, improved toilet, floor quality and room occupancy rates (Ayadi et al., 2007). In this study, however, floor quality and room occupancy rates are replaced by wall/structure quality and roof quality. These replacements are important because improved wall conditions and roof quality are required for overcoming the extreme weather events of the tropics; that result from the

extreme rainfall patterns and the extremely hot, dry and dusty continental trade winds that blow across West Africa during the dry seasons. Improved walls are measured by buildings constructed with cement blocks and roof quality is measured by buildings roofed with at least corrugated aluminium zinc. Education is concerned with the literacy or level of educational attainment of the spouse and/or household head. In this study, however, this indicator is replaced by the primary school completion of the interviewees and is examined as a personal conversion factor as opposed to a livelihood asset. It is believed that these 10 welfare indicators [12 in this study], reflect the living conditions of households. While the WCI is used by Ayadi et al. (2007) in a very quantitative manner, this study uses simple descriptive statistics to summarize the poverty/deprivation status of land stressed actors.

1.4 The Research Site



Fig 2: Map of Ghana with Study Area inset

Source: Modified from FAO, 2006

This study was conducted in the Nkoranza South Municipality (NSM) in Ghana. The NSM is centrally located (longitudes 1°10'W and 1°55'W and latitudes 7°20'N and 7°55'N) in the Brong-Ahafo region of the country. It lies within the transitional belt of Ghana, exhibiting forest and savannah grassland characteristics. The mean annual precipitation level ranges between 800-

1,200mm and the presence of forest ochrosols support the cultivation of tree crops as well as food crops. The NSM has a total population of 100,929, spread among 126 dispersed settlements (Nkoranza South Municipal Assembly, 2010). Nkoranza was selected for this study, after desk studies and preliminary fieldwork showed the relative prevalence of

pastoralism, migrant farming and women farming, over 36 other districts that had benefitted from the pilot Customary Land Secretariat (CLS) initiative of the Ghana Land Administration Project (LAP). Again, Nkoranza was chosen for this study because 30 percent of the population are migrants working as hired pastoralists or farmers and about 42 percent of agricultural labour in Nkoranza are women (Nkoranza South Municipal Assembly, 2010) Figure 1 shows the NSM encircled within the context of Ghana.

1.5 Methods

This study employed a qualitative research method for a detailed analysis of the lived experiences of the impacts of land reforms on women farmers, pastoralists and migrant farmers in the NSM. The fieldwork to collect data was carried out over a six months period, divided into two, three-monthly periods of June – August, 2013 and January – March, 2014; these periods representing rainy and dry seasons, respectively. The purpose was to enable an appreciation of land access and use challenges in the two main seasons of the year within the study area. Data were gathered from the following sources:

- Semi-structured interviews were conducted with vulnerable land actors (n = 46; 19 women farmers, 12 pastoralists and 15 migrant farmers). Sampling was purposive targeting participant groups of the study and sample determination was based on the heterogeneity of the study population and the need to attain saturation. Given the diversity in land based actors, it was important to ensure that each participant group is fairly included in the study. Besides, the research issues needed to be adequately addressed. To this extent, members of each participant group were interviewed to the point where the researcher was satisfied that the study issues were fairly covered. When the variables of heterogeneity and saturation are the driving forces of a research, interviewing 15 participants, ± 10 is sufficient to attain quality (Creswell, 1998; Kvale, 1996). Also interviewed were thirteen (14) land governance decision makers drawn

from traditional authority (3), officials of decentralised governmental bodies (5) and livestock owners and farmers (6).

- Structured observations were used alongside photographing of various land use categories in the Nkoranza area. These observations helped probe further to understand the reasons why certain agricultural practices were on the decline while others were on the rise.
- Documents investigation was also a key tool in the data collection process. Legal documents including the national constitution and various legal instruments, the stool lands brochure, various government policy documents, the municipal medium term development plan (2010 – 2013), the annual progress reports of the Municipal Directorate of Agriculture (MDA), the spatial planning schemes of NSM, land deeds/title registries of the Customary Lands Secretariat (CLS) and other departmental reports were also scrutinised as a way of triangulating the data.
- Focus Group Discussions (FGDs) enabled a clearer understanding of issues that appeared conflicting from the interviewing and observations stages. In all, FGDs involving women farmers (7), pastoralists (5) and migrant farmers (5) were also conducted.

Individual land use actors constitute the unit of analysis. This is so because individual members of a household access land under different tenure arrangements. In analysing poverty, however, household livelihood assets were used to examine poverty/deprivation levels. The data from the study were analysed qualitatively involving an assessment of various thematic areas.

1.6 Land Reform: Implementation Outcomes for Land Access

Land users negotiate access to land in the NSM through various arrangements. This section examines the access arrangements to land for natural resources, housing and

agricultural uses by women farmers, pastoralists and migrant farmers. Access to natural resources is dependent on such factors as the resource in question, the community in which it is located and the socio-economic and cultural values attached to the resource. Ghana's laws, for instance, vest all mineral resources found anywhere within the territorial boundaries of Ghana in the President of the Republic. Article one (1) of the Minerals and Mining Act 2006 (Act 703) states:

Every mineral in its natural state in, under or upon land in Ghana, rivers, streams, water-courses throughout the country, the exclusive economic zone and an area covered by the territorial sea or continental shelf is the property of the Republic and is vested in the President in trust for the people of Ghana (Government of Ghana, 2006).

Within the Nkoranza area, there is said to be some gold deposits in the *Dromankese* area being prospected by Newmont Ghana Gold Limited (NGGL) (Nkoranza South Municipal Assembly, 2010). However, as clearly stipulated in the Minerals and Mining Act, any such discovery will be vested in the President of the Republic. Custodians of communal lands are, however, entitled to some benefits from natural resource exploitation on lands within their customary ownership. This right is clearly spelt out in Article 23 sub-section 1 and 2 of the Minerals and Mining Act 2006 (Act 703) as follows:

- (1) A holder of a mineral right, shall pay an annual ground rent as may be prescribed.*
- (2) Payment of annual ground rent shall be made to the owner of the land or successors and assigns of the owner except in the case of annual ground rent in respect of mineral rights over stool lands, which shall be paid to the Office of the Administrator of Stool Lands, for application in accordance with the Office of the Administrator of Stool Lands Act 1994 (Act 481) (Government of Ghana, 2006).*

Aside from mineral resources, which are governed by national legislations, all other natural resources in Ghana, and for that matter Nkoranza belong to the landowning communities and are vested in stools or skins (Kasanga & Kotey, 2001). Access to natural resources are therefore either negotiated through the family exercising usufructuary rights over the land, the caretaker chief or the Paramount Chief depending on the resource in question. All inhabitants of the Nkoranza area gain access to timber for construction through the caretaker chiefs. Indigenes and non-indigenes alike must seek the permission of the caretaker chief to have a tree of constructional value logged. The reason behind this is that “trees, just like the land are planted by God and not humans.” So while it is possible for one to plant a tree, its growth is not within your control (Field interviews, June – August, 2013).

Access to all other natural resources is negotiated between land users; be they indigenes, migrants or investors and land owners. These resources include thatch for roofing, nuts such as palm nuts, fruits such as oranges, mangoes and pawpaw, barks and leaves of medicinal value as well as firewood and bush animals such as snails and grasscutters. While for some communities such as *Asunkwaa*, *Nyamebekyere*, and *Breman* it was observed that it is still possible to access some of these resources freely; individualisation, ecological changes and growing resource scarcity have led to the commercialisation of these resources throughout the Nkoranza Municipality. The reality is aptly painted by an interviewee of the *Sesiman* community:

“Things have really changed. To the extent that your family members whom you trust can cheat you off your land; steal produce from your farm to sell in the market; or even deny you access to some thatch, fruits or nuts simply because they exist on his land is an indication of the extent to which things are changing” (Personal interview, Sesiman, August, 2013).

Women farmers, pastoralists and migrants farmers also require land for purposes other than natural resource exploitation. They require land for putting up housing and for agricultural activities. In the past access to land for agricultural activities were mostly negotiated through grants and sharecropping arrangements by migrant farmers; women farmers benefitted from the family resources and pastoralists depended on the customary commons. Under the reformed system, the customary commons are disappearing and the land space has, since the last decade, been so monetized that grants and sharecropping have given way to rentals, leases and purchases; driven largely by the rent-seeking behaviour of chiefs. Table 1 summarises the land use typologies, the modes of access and the governing arrangements for women farmers, pastoralists and migrant farmers in the NSM.

Table 1: Current Modes of Land Access and Implications for Poverty in Nkoranza

User group	Typology of use	Mode of Access	Governing arrangements	Implications for poverty
Women	housing land	family lands/purchase	<ul style="list-style-type: none"> family lands used for housing held in perpetuity by family members through inheritance purchased land kept under 99 years lease term as applicable to every other person 	<ul style="list-style-type: none"> increasing land scarcity due to larger family sizes and rampant land sales pushing many women interested in building developments to the land market Land values are extremely high (USD2,000) for an 80' * 80' building plot
	agricultural lands	family lands	<ul style="list-style-type: none"> subject to availability and acreages required access and use must be approved by family head (<i>Odikro</i>) 	<ul style="list-style-type: none"> increasing land sales and growing family sizes leading to land fragmentation and limited access to land for women
		rental/purchase	<ul style="list-style-type: none"> rentals either in cash or 100kg bag of maize is an option to many women and indigenes 	<ul style="list-style-type: none"> rent conditions are detrimental to peasantry. hardly do people make more than required to defray the cost of rent
Pastoralists	housing land	provided by cattle owner	<ul style="list-style-type: none"> free housing for pastoralist and his family linked to continuous employment 	<ul style="list-style-type: none"> can be rendered homeless from loss of job or change in husbandry practice
	grazing lands	fallow lands	<ul style="list-style-type: none"> there are no arrangements to support grazing rights 	<ul style="list-style-type: none"> could be attacked, and in the process wounded, killed, shot, hospitalised rising tensions between farmers and pastoralists, distrust and occasional outbreaks of violence which do not augur well for social harmony Land increasingly becoming private property threatening the future of pastoralism
	agricultural lands	provided by cattle owner	<ul style="list-style-type: none"> free land for the cultivation of food crops 	<ul style="list-style-type: none"> access to basic staples can be threatened loss of income in the event of loss of job

Migrants	housing land	purchase	<ul style="list-style-type: none"> • 99 years lease subject to development within 2 years • Property can be rented out or disposed-off entirely 	<ul style="list-style-type: none"> • rights are stable, secure and transferable • land values at USD2,000 for 80' * 80' building plot are beyond most migrant farmers
	agricultural land	rentals	<ul style="list-style-type: none"> • rented on an annual basis in cash or 100kg bag of maize • land can be sub-rented but cannot be sold • usage restricted to annual crops • cannot harvest commercial trees that grow on the land 	<ul style="list-style-type: none"> • insecure rights as lands are sometimes rented out to 2 or more people • to sub-rent, landlord must consent • inability of the migrants to exit poverty as they cannot grow perennial/high value agricultural commodities
		purchase	<ul style="list-style-type: none"> • duration of use negotiated between purchaser and local chief 	<ul style="list-style-type: none"> • secure, stable and transferable • largely beyond the abilities of migrants and other poor groups

Source: Fieldwork, (June – August, 2013 & January – March, 2014)

Women still largely enjoy their rights of access to land, although growing land scarcity and land deals lead to less than optimal predictability over land rights. Chiefs can easily alienate lands under use by women to other economic interests, rendering them landless. However, the system does not discriminate against women purchasing lands and having them duly registered in their names, either jointly with their spouses or alone. As such some relatively wealthy women have acquired and registered their interests in lands in the NSM, as was attested to by documents from the CLS (Interview with CLS Coordinator, August, 2013).

Pastoralists are entirely at the mercy of their employers. They are employed by cattle owners under conditions which include the provision of an accommodation, monthly income of between USD \$13.50 – \$21.61, a piece of land for subsistence cultivation and milking of the cows for sale to the local population (Field interviews, 2013/14). Access to pastureland has traditionally not been contested. Cattle were fed on fallow lands in an unimpeded manner. In the past the chief of *Dromankese*, a community within the NSM, designated a specific area to the herdsmen to graze their cattle although rising tensions with farmers have since led to their expulsion from the area (Tonah, 2006). It is increasingly getting difficult to graze

animals, as most lands seem to have been encumbered and entry restricted by their absentee landlords. An interviewee of the *Babiani* community lamented thus:

“While it is no longer safe for the human beings herding the cattle, we equally endanger the cattle by taking them out to the field. A number of individuals have on several occasions threatened to spray fallow fields belonging to them with poisonous chemicals to kill animals that graze onto their fields. What would you gain by killing animals that only graze on grasses you may have to clear and burn before cultivating crops on the field? I was socialised by my parents into cattle herding at a time when there was joy in the job. Regrettably, it is no longer a joyful occupation (Personal Interview, Babiani, January, 2014).

Migrant farmers on the other hand have in the past had relatively easy access to lands in the NSM. Arrangements such as land grants, sharecropping and political incorporation enabled some migrants to gain primary rights to land resources. Sharecropping, for instance, made it possible for migrants who had put lands to the cultivation of permanent tree crops such as cocoa to assume primary ownership over their portion of the land after a sharing arrangement had been entered into (Field interviews, 2013/14). In relation to grants, there are migrants within the NSM whose land use rights are still tied to the grants they received when they first migrated to the area. Land grants in the Nkoranza area, however, required of the grantees to make annual contributions in cash and/or kind to support the Paramount Chiefs celebrations of the *Munufie Kese* festival, which is often celebrated to thank the gods for a bumper harvest. An interviewee of the *Babiani* community indicated:

“My father migrated to this community in the 1960s. He was readily welcome and to date he cultivates lands that were gifted to him by the chief and his elders. We are originally from Bongo-Beo in the Upper East Region but we expect that in the unlikely event of the demise of our father, we will still be given the right to use

portions of the land. It is, however, impossible for land to be granted to any migrant these days because of land scarcity. These days migrants access land purely through rentals” (Personal interview, June, 2013).

It is the case therefore that the traditional land tenure system supported the land use rights of the varied land actors. Land reforms have, however, transformed communal practices of grants, sharecropping and negotiated access into rentals, leases and purchases and in the process pushed women farmers, pastoralists and migrant farmers to the margins. It is important to indicate that secure and predictable access is by itself pro-poor, but trends in Nkoranza suggest increasing unpredictability and insecurity to land for poor land users. This view can, however, be criticised based on available evidence (Amanor, 1994; Manchuelle, 1997) that land transfers and commodification of agriculture in most parts of West Africa predates independence and can therefore not directly be associated with recent land reforms. To this it can be argued that while lands were variously alienated by chiefs prior to land reforms, they often took the form of grants and share tenancies which relied less on monetary transactions. Reforms, however, brought in its wake leases, and purchases often associated with large financial outlays, therefore hindering the ability of the poor to effectively participate in the land market. This is supported by evidence from a study by Amanor (2010: p. 12) when he argued that new investments in agriculture and the seemingly invisible processes of expropriation and accumulation resulting from contemporary policies are “redefining the family, its land, social solidarity and the redistribution of wealth.”

1.7 Land Reforms: Implementation Outcomes for Livelihoods of Poor Land Users

Secure land access and use rights have important implications for the livelihoods of the poor. However, land administration reforms as currently pursued in Ghana are a threat to the land access and use rights of the poor and by extension poverty reduction. Ghana’s approach to land reforms gives legal recognition to the chieftaincy institution to exercise

ownership over land resources through the creation of autonomous Customary Land Secretariats under the auspices of traditional authorities (Ubink & Amanor, 2008). Key objectives of land reforms in Ghana include poverty reduction and the promotion of social stability. This section utilises the capability approach as an analytical tool for an analysis of the policy implementation outcomes for poor land users vis-à-vis the objectives envisaged. As a start, the capability space of land reforms and poverty reduction is reconstructed utilising the reformed land tenure system of Nkoranza (figure 3 below).

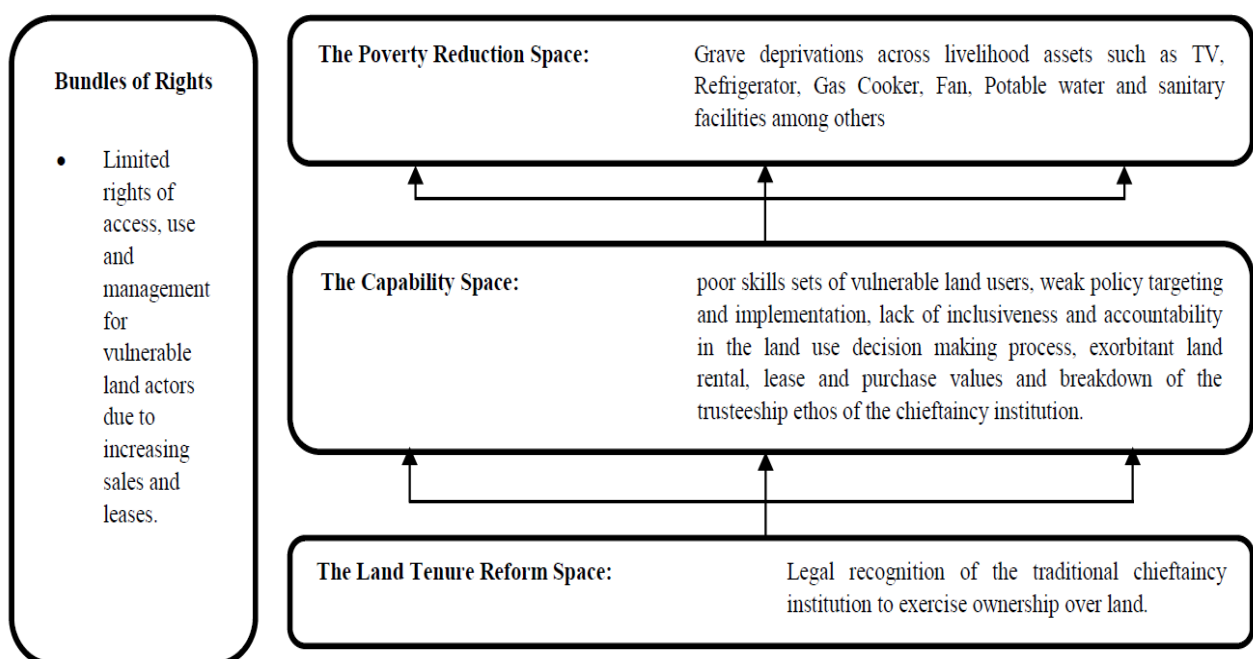


Fig. 3: The Capability Context of Land Reforms in Nkoranza

Source: Author's Construct, 2014

1.7.1 The land reform space

The land tenure reform space has been reconstructed to support the agenda of the government in liberalizing the land market, through the adoption of the agency model of land governance. This model is defined by Fitzpatrick (2005) as a system whereby the state intervenes into a customary system to identify a person or group of persons, and empowers them to perform trusteeship functions over land and natural resources on behalf of the customary group. The government of Ghana is convinced that the agency model of land

governance supports its drive to liberalise the land market and has alluded to its success in this regard by boldly claiming that “potential lands for investment for all types of land use – Agriculture, Estate Developments, Industrial, Commercial and other uses should be sourced and packaged and made readily available for strategic investors and developers” (Ministry of Lands Forestry and Mines, 2008, p. 3). The number of land deals successfully completed (over 600 residential lands and 150 large scale agricultural lands) between various investors and Chiefs since the establishment of the Nkoranza CLS in 2008 is an indication of policy success at the community level. Chiefs are in support of this agenda and have defended their decisions to alienate communal land resources to investments interests. The chief of *Bonsu* retorted “*the lands were not sold in the past because it was abundant and nobody was willing to buy anyway, these days land is scarce and when you have investors seeking land for productive activities, you have no choice than to sell*” (Personal interview, Bonsu, March, 2014).

At the governmental and chieftaincy level, the land policy interventions and measures have functioned successfully by broadening rights to land via formal transactions. At the community level, however, women farmers, pastoralists and migrant farmers feel otherwise. Unresolved conflicts have emerged between community members and investors on the one hand and community members and chiefs on some other level. During the fieldwork for this study, for instance, the Municipal Forestry Officer narrated an incident involving an old lady of the village community of *Mpem*. The land on which the old lady had for decades been cultivating maize had been leased out by the local chief to an investor for the development of a teak plantation. The investor encountered difficulties when the initial seedlings planted on the land were uprooted by the old lady. Try as the old lady did, there was little that could be achieved as the investor had the blessing of the chief (Field Observation, February, 2014).

A similar incident involving a key actor in the decentralised land governance system had been litigated at the Municipal Magistrate Court. The actor in question is not mentioned because of the need to protect his/her identity. The person acquired a 4ha land in the village of *Timeabo* to establish a cashew plantation. He had the land cleared, acquired grafted cashew seedlings from *Wenchi* and got the entire land planted. A family claimed ownership over the land and therefore objected to the lease granted the actor by the Chief. They subsequently destroyed the farm and uprooted all the seedlings. The issue was sent to the Municipal Magistrate Court by the actor and the judge upon sitting over the case, ruled that the land be returned to the family which exercises usufructuary rights over it. However, the family was fined USD \$324.11 in damages for the destruction of the plants. During the period of litigation, the family prepared and developed the land into a maize farm. When the maize was harvested and carted home, the actor obtained a warrant from the court and with the aid of the police had the produce confiscated because the family could not raise the USD \$324.11 to settle the fine imposed on them.

Ghana's approach to the attainment of its land policy goals is re-interpretive of the role of the chieftaincy institution in land governance. The approach gives legal recognition to the allodial title holders, who hitherto performed titular functions, to perform tasks approximating ownership of communal lands. Over the past 5 years there have been increased land sales in the Nkoranza area involving large scale commercial agriculture and residential investments, creating insecurity for poor farmers. Conservative estimates by the Municipal Forestry Officer indicate that about 35 percent of the total land area of Nkoranza has been leased by chiefs for cashew plantations and another 10-15 percent is under commercial teak plantations. The total land area leased by chiefs for commercial agriculture is estimated to approximate 120,200ha (Municipal Agricultural Development Unit, 2013). These developments take place on communal fallow lands that provided multiple

environmental and economic services to the poor. Their increasing alienation by chiefs is pushing the majority of the poor into landlessness and marginal lands.

1.7.2 The capability space

Land reforms that have poverty reduction as an objective, must have in-built measures to transition poor land actors into other sectors of the economy or support their continuous land access and use rights. This framework explores such measures under the personal, social and environmental conversion factors embedded in the land reform processes of Ghana. The participants in this study had very low personal conversion factors and land reforms did not come with any systems to support skills development and transitioning to other sectors of the micro/macro economy. For instance only one of the study participants had attained high school education. About 59 percent of the participants had either never been to school, or did not complete basic level education (refer to table 2 below). Two women had skills in hairdressing and took to it as secondary occupations, and seven other women and a migrant farmer also had some basic skills trading as retailers in the food crops market of Nkoranza.

The social conversion factors are also non-existent or poorly implemented and as such minimally beneficial to the capability functionings of land stressed actors. For instance the government has been unable to implement its free Compulsory Universal Basic Education (fCUBE) policy. As a result costs associated with basic education puts the children of vulnerable actors out of schooling (Nkoranza South Municipal Assembly, 2010). The actors interviewed for this study claimed their children were in school but lamented the high cost (direct and indirect) associated with basic education. Available records, however, show that school participation rates in the NSM are very low. The school participation rate in the NSM stands at 60 percent for kindergarten, 51.7 percent for primary school and 33.4 percent for junior high school (these three constitute basic education in Ghana) (Nkoranza South

Municipal Assembly, 2010). It shows that as children mature their participation rate declines, due likely to their involvement in household economic activities.

Generally, women farmers, pastoralists and migrant farmers have a weak bargaining position regarding access to land because they are not involved in land use decision making processes. Astonishingly, women farmers think that it is proper for the system to benefit the land use rights of their male counterparts to their own disadvantage. During interviews with women farmers, various local proverbs were used to back the need for men to have better access to land over women. Proverbs interpreted to mean “when it comes to hard times, we call upon men and not women”; “when a woman buys a gun, it is stored in the house of a man”; and “women sell garden eggs and not gun powder” were used by women to justify the dominance of men over women on family land resources (Field interviews, 2013/14). Land rental fees are also decided by landlords and applied across board without the involvement of land stressed actors. Migrant farmers and women farmers who depend on rentals to access land complained that rental fees are exorbitant (USD \$13.48 – \$26.94 per acre per year or two bags of 100kg of maize equivalent to USD \$26.94 per acre per year). They equally indicated that purchases based on current rates (USD \$2,000.00) for 80' by 80' piece of land or negotiated rates for lease are beyond their reach. Their choices are limited to rentals with their associated insecurity, limiting them to the cultivation of seasonal food crops. The reforms did not also come with any measures to protect secondary land rights as well as usufructuary rights. Also, neither are there mechanisms to support conditional land transfers to the poor nor concessionary credits to support vulnerable land actors to acquire their own lands. The formal banking system also only give loans to people with steady and predictable incomes, who are mostly civil and public servants (Field interviews, 2013/14).

Within this social conversion conundrum is the breakdown of the trusteeship ethos of the chieftaincy institution. Chiefs have reneged on their sacred duty of negotiating equitable

land access for diverse land users and are rather busily leasing and selling communal lands to investors. In the wake of these developments, Sarpong (1999) and Nyasulu & Ampadu (2011, p. 4) make the observation that customary land ownership rights in rural Ghana are increasingly becoming insecure due to increased commercial transactions by chiefs creating a “situation of winners and losers in a community of relatively blood related people”. One migrant farmer lamented thus: “most of us sometimes feel the urge to pack bag and baggage and relocate elsewhere to search for better opportunities. We are, however, restricted by the number of years we have lived in this community, the families raised and the social bonds created over the period” (Personal Interview, Nkoranza, August, 2013).

The environmental conversion factors have also not been favourable to the land access and use rights of land stressed actors. Increased land sales are leading to enclosure of the commons, individualisation of land resources and commercialisation of agricultural production processes. These combine to push poor land actors to marginal lands, which require massive investments to be productive. They also minimise the area available for grazing and other common uses such as fetching fuel wood and wild fruits (Field observations, 2013/14). An interviewee of the *Asekye* community labelled recent developments in land as “sinful and very bad as land belongs to God” (personal interview, Asekye, February, 2014). Environmental regulations require that large scale commercial land transactions of the magnitude witnessed in Nkoranza be accompanied by Environmental Impact Assessment (EIA) reports, detailing the impacts on economic, social, cultural and other livelihood support systems (Schoneveld & German, 2013). During this study, however, none of the lease/purchase documents available at the CLS were accompanied with EIA reports pointing to the general lack of consideration for the loss of livelihoods associated with large scale communal land disposals. Again, the consensus decision making processes of communities over land resources have been replaced, due to the agency model of land

governance, making chiefs unaccountable in their actions to community members. This is compounded by provisions in Article 267(6) of the 1992 constitution of Ghana which provides that revenues from stool lands be shared as follows: 25 percent to the Stool, 20 percent to the traditional authority and 55 percent to the district assembly (Republic of Ghana, 1992). These legal measures embolden chiefs to act in ways detrimental to the interests of their community members.

1.7.3 The poverty reduction space

Developments within the land reform space and the capability space have implications for the ability of poor land actors to live meaningful lives and exit poverty. The WCI is used in Table 2 below to show the household livelihood assets and the poverty/deprivation status of the study participants.

Table 2: Summary of Poverty/Deprivation Status of Land Stressed Households

Indicator	Poverty/Deprivation Level (%)		
	Not poor/deprived	Poor/deprived	Total
Education			
1. Primary school completion of interviewee	41.3	58.7	100
Ownership of Household Durable Assets			
2. radio	82.6	17.4	100
3. TV	23.9	76.1	100
4. Refrigerator	10.9	89.1	100
5. Gas Cooker	0	100	100
6. Telephone	100	0	100
7. Fan	23.4	76.1	100
8. Bicycle	43.5	56.5	100
Housing Conditions			
9. Availability of water	0	100	100
10. Availability of toilet	4.4	95.6	100
11. Wall/Structure quality	15.2	84.8	100
12. Roof quality	21.7	78.3	100

Source: Summarised from Field Data on Household Livelihood Assets, 2013/14

Poor land users in Nkoranza are poor across a number of multi-dimensional indicators for measuring poverty under the WCI. Except for radio ownership (82.6 percent) and telephone ownership (100 percent), deprivation ranges from a minimum of 56.5 percent for bicycle ownership to 100 percent for ownership of gas cooker. The high levels of ownership of radio and telephone (mobile phones in this case) is not surprising. Most rural Ghanaians own a portable (two battery) radio set for listening to news. Mobile telephone services have

also widely expanded across Ghana replacing traditional mediums of communication such as letter writing. And given that the land phone system is dysfunctional, mobile phone ownership is no longer seen as a luxury. Cost of usage is also very low as pre-paid credit is obtainable for an amount as low as USD \$0.27 (Field observation, 2013/14).

People are much deprived on ownership of gas cookers and housing conditions. With respect to gas cookers, interviewees were of the view that the cost of running the gas cooker was the deterrent to its acquisition. They indicated that the current market price of USD \$1.03 per kg for Liquefied Petroleum Gas (LPG) is beyond their ability to maintain. Housing conditions are also deplorable because interviewees argued that it was expensive to have something as basic as private piped water systems in their homes because it is associated with monthly bills which they are unable to afford.

Broadly, while there are wide levels of poverty/deprivation among the land stressed actors in Nkoranza, the questions remains; to what extent is land reforms a factor? Qualitatively, this study has shown that, among the poor land actors, land is the most fundamental resource for generating livelihoods. Therefore, the current state of insecurity of land rights; the disposal of common access lands; the clearance of vegetative resources with livelihood benefits to the poor for large scale commercial monocultures without approved EIA reports; and the changing rural economy itself poses considerable challenges for the food security and livelihood outcomes of the poor.

It is clear from the Nkoranza case study, that the land tenure rights of the poor are increasingly becoming insecure, as chiefs have become the conduit for the expropriation of peasant lands to capitalists interests (Amanor, 2005). This is generating difficulties for social coherence as community members sidestep decisions of the chiefs in defense of their land rights; resulting in disrespect for the hitherto revered chieftaincy institution. Social coherence is threatened by insecurity of tenure over land, a resource seen largely as a social glue

(Tsikata & Yaro, 2011). The lack of security over land access effectively threatens the livelihood and long-term coping strategies of poor land actors. These have grave implications for the long term food security of the poor because food security is a direct outcome of farmer security (Sachs, 2002).

The rural economy of Nkoranza is affected by on-going land reforms. There is increasing differentiation between “land owners” and “land users”. The current rhetoric of the “land belongs to the chiefs and not the chief takes care of the land” (Tsikata & Yaro, 2011, p. 26) changes the socio-cultural milieu within which land rights were negotiated. This system is contrary to the egalitarian nature of rural land access (Wily, 2003) and only serves the narrow interests of chiefs while neglecting the livelihood concerns of poor farmers (Ubink, 2007). The increasing differentiation, coupled with limited diverse opportunities and or skills sets, lack of access to financial credit deepens the vulnerability of the poor.

Again, it is clear that land reforms in Nkoranza are a reflection of the motivations of chiefs and the political elite rather than those of poor community land actors. The poor who are unable to engage effectively in the land market are limited to annual rental tenancies which are associated with the cultivation of food crops such as maize, yam, cassava, plantain, cocoyam among others. Food crops command low market prices in comparison with cash crops which are cultivated for metropolitan European, US and Asian markets. During this study, for example, 250kg of yam in the local market fetched USD \$67.34, 100kg bag of maize went for USD \$13.47, 91kg of cassava was USD \$4.04 and 9-11kg of plantain USD \$1.08 (Municipal Agricultural Development Unit, 2013). Meanwhile, cocoa commanded a staggering market price of USD \$861.95 per metric tonne over the same period (Ghana Cocoa Board, 2012). Confining the poor to marginal agricultural practices will perpetuate and worsen their poverty situation.

Current dynamics in Nkoranza show that the long term food security needs of the poor are in jeopardy. According to the Economic Commission for Africa (2004), food security is broadly a mixture of farm, non-farm, bush products, remittances, farm wages, social capital and wild food among others. The International Union for Conservation of Nature (2007) also estimates that 12-14 million Ghanaians derive their livelihoods from the commons. The commons are a source of water, fuel, thatch and wood for building, wildlife, fruits, medicinal herbs, leaves and branches and grazing rights. Recent developments through, land reforms, however, are resulting in a disappearing commons. The loss of non-farm livelihood activities, unmet energy needs and the destruction of productive ecosystems for monocultures are long term food security concerns. It is concluded from the discussions so far that diversity is the key to the sustenance of rural livelihoods and land is the basis. Access to unused land and other livelihood resources are crucial for the livelihoods of the poor and a major coping endowment for exiting poverty (Tsikata & Yaro, 2011). Land reforms in Nkoranza do not offer this diversity in support of rural livelihoods.

It can be argued therefore that land reforms in Nkoranza and elsewhere in Ghana are perpetuating rather than alleviating poverty. Townsend (2010), for instance argues that people are classified as rich or poor depending on their share of the resources available to all. He further argues that, the general understanding, then should be that persons and/or families whose share of resources, overtime, fall short of that commanded by the average person and/or family in the community in which they live are in poverty, whether that community is a local, national or international one. Besides, the resources devoted to the fight against poverty in any society are determined to a large extent by the political process (Madden, 2000). It is therefore generally concluded that the land reform system (political process) which opens up the communal resources of Nkoranza to the globalised market and metropolitan capital investments leads to less than optimal land access and use rights for

usufructuaries such as women farmers and secondary land rights holders such as pastoralists and migrant farmers and invariably exposes them to poverty.

1.8 Conclusion

The main goal of development interventions (including land reforms) across most of Africa and the developing world generally, is poverty reduction. The Nkoranza case study, however, show women farmers, pastoralists and migrant farmers as a group of people heavily dependent on land; possessing minimal to no technical skills; possessing little to no capital and livelihood assets and among the poorest segments of the Nkoranza population. Land reforms which seek to reduce poverty and improve social stability rather have the potential to worsen poverty and generate instability due to wanton land sale by chiefs, resulting in insecurity of land tenure, landlessness and growing sense of conflict among the actors. Land rentals, based on annual tenancies restrict land stressed actors to the cultivation of food crops which command relatively low prices in the market. Their low income and asset levels also inhibits their ability to acquire loans from the formal financial system and invest in commercial farming as the banks prefer to offer loans to public sector workers and others with steady and predictable financial inflows (Domeher & Abdulai, 2012).

Land reforms have the potential to enable the poor exit poverty and live meaningfully. For that to be achieved, however, land reforms in Ghana need to be pursued as part of a broader, holistic and integrated development initiative. It must encompass the provision of free education to the most vulnerable and skills development for land stressed actors. It must also include measures to strengthen voice of community members, promote inclusiveness, enforce laws and regulations around land acquisitions, improve accountability and prevent the loss of usufructuary rights to the rent-seeking behaviour of chiefs. The broad policy goal should be targeted at strengthening rights of access for those who need land to exit poverty rather than those who need it to enhance their wealth status.

**Contested Pastures: State Land Reform Policies, Community Dynamics and
Pastoralism in the Nkoranza South Municipality, Ghana**

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Abstract: Pastoralism is an important socio-economic activity and way of life in many parts of the world. Despite growing reports of confrontations between pastoralists and farmers, land reforms in Ghana make no efforts to enhance co-utilisation of land resources in a mutual manner. This research used an ethnographic case study approach to explore the governance arrangements over access to pasture under conditions of changing land tenure systems in the Nkoranza South Municipality of Ghana. The study establishes that limits to pastoral land access are a result of a national land policy and land reform system which leads to liberalisation of the land market, commercialisation of agricultural production, individualisation of land resources and gradually disappearing commons. The study concludes that state policies over land should seek to sustain communal practices, land use dynamics and cultures by supporting land tenure stabilisation and increasing voice and accountability over land use decision making.

Key Words: Ghana, Nkoranza South Municipality, Land Reforms, Pastoralism and Livelihoods

1.1 Introduction

Extensive pastoral activities take place on rangelands which are estimated to constitute 30-40 percent of the land area of the earth (Neely, 2009; Sayre *et al.*, 2013). This covers the dry lands of Africa [estimated at 66 percent of the total land area of the continent], the Arabian Peninsula, and the highlands of Asia and Latin America. Pastoralism also accounts for 10 percent of the world's meat production; supports the livelihoods of some 200 million pastoral households; who raise about 1 billion head of cattle, camel and other smaller livestock; a third of which are found in sub-Saharan Africa; accounting for about 20 percent of national GDPs (Alive, 2006; FAO, 2001; Nori *et al.*, 2008). With respect to Ghana, the

livestock sector contributed 2.3 percent to national GDP in 2007, 2.1 in 2008, 2.0 in 2009, 2.0 in 2010 and 1.8 in 2011 (Ghana Statistical Service, 2012). It is also estimated that 9 percent of the nation's agricultural gross domestic product comes from the livestock sub-sector and about 98 percent of crop farmers keep livestock in Ghana (Asafo-Adjei & Dantankwa, undated). FAO (2006) estimates that there were about 1.3 million head of cattle in Ghana in 2005, raised mainly in agro-pastoral systems.

Pastoralism, largely associated with mobility, is a livelihood strategy whereby nomads move together with their animals in search of pastures, natural resources, alternative economic opportunities and greater security from pests, diseases and conflicts (Bassett, 1986; Swift et al., 1996). According to De Bruijn & Van Dijk (2003) most of the livestock keepers of West Africa, in the Sahel and Sahara lead mobile lives as nomadic herders. Pastoralism in West Africa, however, is almost always associated with the Fulbe, – a group of people who are “culturally, linguistically and politically related and inhabit a vast area all over West Africa, mainly in the Sahel and the Sudan zone, but also in Ethiopia and Eritrea” (De Bruijn & Van Dijk, 2003). The Fulbe, are known throughout Ghana as Fulani.

While contestations between pastoralists and farmers over land resources have been with humanity since creation as attested to by the biblical story of Cain and Abel (Sheik-Mohamed & Velema, 1999) they have assumed worrying dimensions in recent times. Nomads are accused of having a lesser appreciation for landed property rights and their practices are seen by farmers, policy makers and environmental ecologists to be environmentally harmful, primitive and detrimental to national economies (Tonah, 2006; Nori et al., 2008; Sayre et al., 2013). Pastoralism in Ghana suffers this fate as land administration reforms, combined with growing population and changing inheritance and family systems, generate systems of “universality, exclusivity, transferability and enforceability” in land use (Lengoiboni et al., 2010). Lengoiboni *et al.*, (2010) define

universality, as ownership of land; exclusivity, as rights to benefit from land; transferability, as rights to transfer ownership of use rights; and enforceability, as a system of penalties to prevent encroachments. The contest over resources between pastoralists and farmers in Ghana has reached a crescendo and human lives are threatened as a result. Casual canvassing of daily news items in Ghana discloses headlines such as “Exodus: Fleeing herdsmen face gloomy conditions”, “The FULANI menace: a product of climate change, education and misconception”, “Kwahu Residents Live in Fear Following Murder of Four by Fulanis”, “Agogo: Forcible eviction of Fulanis recommended” and “Refugee Fulani herdsmen to return to Burkina Faso next week”.

These reported developments are neither new nor peculiar to Ghana. Fratkin (1997, p. 246) observed that:

“Pastoralists have interacted with sedentary farmers for millennia, with established practices of trade and symbiotic production such as grazing of livestock on farmers' fields before planting seasons. However, both population growth and increasing commodity production have led to the expansion of agriculture on formerly shared grazing lands, and have increased tension and conflicts between these groups in many parts of the world.”

Although, literature has generally been predicting the demise of pastoral practices (Agricultural Department of FAO, 2002) pastoralism exists to date in many varied forms, making substantial contributions to the socio-economic development of many countries. In the wake of these contestations, however, it is important to fashion policies and strategies that enhance mutual co-existence and co-utilisation of resources in a non-confrontational manner. This article explores, through the Nkoranza South Municipality case study, the extent to which land resource governance, altered through National Land Policy (NLP) and reforms is perpetuating the contestations over access to land and pasture resources. This has become

necessary because, although a number of studies (Fratkin & Meir, 2005; Fernandez-Gimenez et al., 2006; Galvin, 2009; Bayer, 2013) have discussed the changing trends to pastoralism, there is little discourse on the role played by land policies and land reforms across the developing world in deepening contestations over pasture access.

The capability space of land reforms and poverty of Anaafo (2014) is the analytical framework used for this study. This framework examines the features of land reforms to identify the capabilities (inhibitors and/or opportunities) that are seen by poor land users as inhibiting or enabling of their ability to access land resources and live meaningful lives. The paper is divided into three sections. The next section describes the study area and the methods that were applied in undertaking the study. The following section discusses an overview of pastoralism and how pastoralism became a viable animal husbandry practice in the Nkoranza South Municipality, traditional land tenure and land administration reforms in the Nkoranza area, the motivations behind such reforms, the arrangements for access to pasture and implications of such systems for pastoral livelihoods. The final section summarises the debate to determine the role of land reforms in perpetuating the contestations over access to pastures.

1.2 Study Area

The Nkoranza South Municipality of Ghana was chosen for the study because of the diverse nature of land based actors in the area. Pastoral and non-pastoral land based actors compete for land resources under varying land tenure arrangements. The process to identify a study area began with a desk study to select districts in Ghana that exhibited diversity in land based activities ranging from pastoralism to commercial and non-commercial agriculture involving women farmers, pastoralists and migrant farmers; and had undergone some land administration reforms under the Land Administration Project (LAP). The desk study led to the identification of five districts including *Dormaa Municipality*, *Ejura-Sekyedumase*

Municipality, *Nkoranza* South Municipality, *Savelugu-Nanton* Municipality and *Builsa* District.

A further assessment of the identified districts led to the elimination of *Savelugu-Nanton* Municipality and *Builsa* District because of the inability of the researcher to speak the local dialects of the people of those districts. This was important because of the need to have first-hand understanding of the research issues without recourse to an interpreter. On three separate occasions, preliminary field visits were made to the remaining districts to conduct reconnaissance surveys to enable the selection of the most appropriate case study area. *Nkoranza* South Municipality (NSM; Fig. 1) was selected after it was realised that about 65 percent of the active labour force are farmers; about 30 percent of the population are migrants, either as farmers or hired herders; and women are active land users both as commercial and non-commercial agriculturists; features which were absent in *Dormaa* and *Ejura-Sekyedumase* municipalities. Having settled on the NSM, data collection was carried out holistically in selected communities under the four main agricultural zones of the municipality, namely: *Dotobaa*, *Nkwabeng*, *Nkwanta* and *Ayeredo* operational zones.



Fig. 1: Study area in the context of Ghana

Source: <https://www.google.com.gh/search?q=nkoranza> (last accessed 08/09/2015)

While there are diverse land use actors in the NSM, the study focused on a group of land users defined as land stressed. These were women farmers, pastoralists and migrant farmers. Pastoralists and migrant farmers are land stressed because they are non-members of the land-owning communities and have traditionally depended on arrangements other than descent to access land resources. Women farmers, on the other hand are classified as land stressed because both customary and statutory land tenure arrangements often tend to weaken their contractual rights to land, water and other natural resources (Agarwal, 1994; Lastarria-Cornhiel, 1997). This paper examines the peculiar situation of pastoralists in seeking to access pasture for their animals. The diversity of the study area provided an ideal context within which to explore the contestations between pastoralists and other land users under a changing land administration system.

1.3 Methods

The study collected data on the impacts of the changing land tenure regime on the land rights of land stressed actors. Data on pastoralists centred around current pastoral practices, reflections of pastoralists on the nature of land and land ownership, the role of land in pastoral livelihoods, and land reforms and the position of pastoralists within the changing land tenure environment. Data also explored the contestations over access to pasture and the strengths and weaknesses of alternative regimes in respect of how supportive or otherwise they are to pastoral practices.

A qualitative research design was used for understanding the extent to which land reforms impacts the land rights of diverse land actors. An ethnographic case study design, construed as a merger of case study and ethnographic methods for detailed socio-cultural analysis of a phenomenon, was used to undertake the study. Data collection was carried out over two, three-monthly periods (June – August, 2013 and January – March, 2014); these

periods representing rainy and dry seasons respectively. Varying data collection methods were used:

- 12 pastoralists were interviewed for this study, although women farmers (19) and migrant farmers (15) were also interviewed, using semi-structured interview schedules. The sample determination was based on the heterogeneity of the population and the need to attain saturation. Heterogeneity arises from the diverse nature of the actors, rights holders and users of land and natural resources and the need to have a fair inclusion of each such group in the study. To meet the requirement of data saturation, different participant groups were interviewed to the point where the researcher was satisfied that detailed information had been collected. When the variables of heterogeneity and saturation are the driving forces of a research, interviewing 15 participants, ± 10 is sufficient to attain quality (Creswell, 1998; Guest et al., 2006). Also interviewed were 14 land governance decision makers; drawn from traditional authority (3), officials of decentralised governmental bodies (5) and livestock owners and farmers (6).
- Structured observations enabled an appreciation of how much land was being used and for what purpose. Observation was accompanied with the taking of photographs of various land use categories and changes, which were further fed into interviews and other data collection exercises.
- Documents ranging from the municipal medium term development plan (2010 – 2013), the annual progress report of the Municipal Directorate of Agriculture (MDA), the spatial planning schemes, land deeds/title registries and other departmental reports were also investigated.

- A Focus Group Discussion (FGD) involving 5 pastoralists was also conducted. It helped iron out conflicting positions emanating from interviews and observations as well as the secondary data.

The unit of analysis was individual pastoralists because on issues of land access individual members of a household access land under differing tenure arrangements. The data from the study were analysed thematically, and involved identifying and reporting patterns within the data and interpreting various aspects of the research issues. Thematic analysis enabled the researcher to bring together data from varied sources (interviews, observations, document reviews and FGD) in a patterned manner to respond to the research problem.

1.4 An Overview of Pastoralism in the Nkoranza South Municipality

The evolution of pastoralism in the NSM is similar to that which occurs in the sub-humid zone of West Africa. The Nkoranza area with its annual rainfall of between 800 – 1,200mm falls within the sub-humid zone of West Africa. Pastoralism in this zone is a relatively recent development. It emerged in the late 1970s to early 1980s when protracted droughts and bush fires drove pastoralists further south of the humid Sudanian and Guinean Savannas of West Africa in search of pastures (Bassett & Turner, 2007). Amanor (1995) on the other hand, relates recent trends in pastoral practices in this zone to the role played by the tsetse fly. He indicates that the colonisation of the sub-humid zone of West Africa by pastoralists is a recent phenomenon which resulted from the clearance of the natural vegetation by farmers, the elimination of the tsetse fly and trypanosomiasis and the selection of trypanosomiasis-resistant *Bos taurus* cattle by cattle owners.

De Bruijn & Van Dijk (2003) also relate changes in pastoral activities in West Africa to the Sahelian droughts of the 1970s and 1980s which pushed many pastoralists into selling their cattle in order to obtain cereals. They observed that these animals ended up in the hands of wealthy food farmers, merchants and civil servants who wanted to diversify their income

generating activities. Pastoral movements into the Nkoranza area in the late 1970s and early 1980s were, however, short-lived as protracted disputes between farmers and herders led to the expulsion of the herders by armed state military men (Tonah, 2006). While some opted to leave with their cattle, others sold theirs and stayed behind as hired herders. Just as happened in the West African sub-region, cattle rearing in the NSM was eventually taken up by other investors of Nkoranza and Ghana generally, who saw cattle ownership as an insurance against risk of crop failure. Currently, pastoralism in the Nkoranza area is largely the preserve of investors, who employ pastoralists, mainly of Fulani descent as herders for their cattle.

1.5 Traditional Land Tenure and Land Administration Reforms in Nkoranza

The history of land and natural resources governance in the study area has significant implications for efforts to alleviate contestations over access to land and pastures. The Nkoranza Paramountcy oversees 9.075 square miles of land, which is considered the largest customary land area in the *Brong-Ahafo* Region of Ghana. The Nkoranza customary land area shares boundaries with *Abease/Atebubu* to the East, *Techiman* to the West, *Mo* and *Gonjaland* at the Black Volta to the North and *Offinso, Ashanti* to the South (Personal interview with Customary Lands Coordinator, August, 2013).

The land tenure system of Nkoranza is a system by which access to land and natural resources is governed by customary institutions whose authority emanates from tradition. These customary institutions are headed by chiefs, clan heads and family heads who determine resource use rights, allocate rights and arbitrate conflicts among competing users. Overall the Paramount Chief of Nkoranza (*Omanhene*) is the embodiment of this authority and all other lesser chiefs draw their power from him. The entire area is under the allodium of the Paramount Chief (*Omanhene*) of Nkoranza. Management of the customary lands are, however, sub-divided among his divisional chiefs (*Ahenfo*), sub-divisional chiefs (*Apakanhene*), heads of communities (*Odikros*) and clan/family heads (*Abusuapanin*). The

system is hierarchical and instructions flow from the *Omanhene* through the *Ahenfo* down to the *Abusuapanin*. Equally, the *Abusuapanin* reports through the *Odikro* all the way to the *Omanhene*. While overall responsibility for land governance rests with the paramountcy, daily land administration for the benefit of community members rests with *Odikros* and *Abusuapanin* (Personal interview with Customary Lands Coordinator, August, 2013).

Traditionally, land management in the Nkoranza South Municipality is thus embedded in customary relationships. Access to land is group cooperation based and reliant on defined principles, classified by Cotula (2007) to include primacy of first occupant; resource access governed by lineage membership; marked differentiation between “autochthons” and “incomers”; ease of access to cultivation for incomers in land abundant communities; and security of cultivation rights dependent on labour and continuous use. Under the customary system of Nkoranza, the commons, where cattle can be grazed, derive from the local conception of land. It is long held that traditional customs of the *Bono* of Nkoranza construe land only as the surface soil and excludes resources beneath and above the soil such as minerals, trees and pastures (Allott, 1966). This understanding governed access to the commons for grazing and other forests and non-forests resources in the past.

While the narratives above depict the traditional system within which land and natural resources were governed in the Nkoranza South Municipality, some changes have taken place in the last decade. The Government of Ghana has since 2002 developed and began the implementation of a Land Administration Project (LAP), seeking generally to address land sector problems identified in the National Land Policy (NLP) (Ministry of Lands and Forestry, 1999). These identified problems include: general indiscipline in the land market; indeterminate boundaries of customary owned lands; compulsory acquisition by government of large tracts of land which have not been utilised; inadequate security of tenure due to conflicts of interest; difficult accessibility of land; a weak land administration system; lack of

consultation with land owners and chiefs in decision-making for land allocation; lack of consultation, coordination and cooperation among land development agencies; and inadequate consultation with neighbouring countries in the management of international borders.

The LAP seeks generally to stimulate the national economy, improve investments in the land and natural resources sector and reduce poverty by facilitating access to land, ensuring security of title to land and enhancing institutional capacity for efficient and effective land administration. The first phase of the LAP was rolled out in 2004 with the broad aim of developing a sustainable and well-functioning land administration system that is fair, efficient, cost effective, decentralised and that enhances land tenure security. This goal was to be achieved through the harmonisation of legislative and policy frameworks with customary law; reform of land sector institutions; and the implementation of a land titling and registration system; utilising innovative methodologies in tandem with dispute resolution mechanisms (Ghana Government, 2003).

Within the implementation process, Customary Land Secretariats (CLSs) were piloted in selected customary land areas of *Wa central, Wa Sagmaalu, Tabiase, Paga, Bongo, Bolgatanga, Sandema, Bole, Techiman, Drobo, Dormaa Ahenkro, Kumasi, Nkawie, Toase, Ejisu, Odumase, Anum, Sogakope, Amamole, Asebu, Gbawe, Haatso* and *La*. The CLSs were tasked to provide database on land ownership as a way of eliminating conflicts, enhancing security, broadening rights to land via formal transactions and encouraging both national and international investments in land. The CLSs are engaged in a form of deed registration which is then linked to the overall national land titling process through the Lands Commission. There are currently 37 CLSs scattered across Ghana of which the Nkoranza CLS is one. The land tenure reform system based on Customary Land Registration and routed through the traditional chieftaincy system by the creation of CLS strengthens the hold of chiefs over

communal resources. It places all decision making rights (management, exclusion and alienation) in the hands of the chiefs, while granting ordinary users usufructuary rights only.

This system of land reform is theoretically discussed by Fitzpatrick (2005) as situated within the “agency model” of land governance and administration. This is a type of system under which the state intervenes to identify an agent who acts as a representative of the customary group and entrust in the agent trusteeship over land on behalf of the group. The merit in this system is that it simplifies state/community relations as the state only has to deal with the agent without having to meddle in the internal affairs of the community. On the other hand, it has the potential to empower local agents, who may then act contrary to the interests of the community groups they represent (Fitzpatrick, 2005). The agency model of land governance was trialled in the Federal Territory of Lagos under the Registered Land Act, 1965; and the Solomon Islands under the Land and Titles Ordinance of 1968 (Fitzpatrick, 2005). Papua New Guinea also tried implementing a similar system in 1971, but had it withdrawn after criticisms of its potential for abuse by traditional leaders (Trebilcock, 1984).

This model is deemed appropriate by land reformers in Ghana because it simplifies state/community relations and helps government achieve its objective of making lands readily available to investors in a simplified, secure and transparent manner. Under this model, investors and other land market actors only need to deal with the chiefs, obtain deed registrations covering their acquisitions which can then be linked to the national land registration process through the Lands Commission.

The goal and objectives of the LAP situate it within the neo-liberal, market-driven approach to land reforms. Neo-liberalism simply seeks to ensure that land resources are fungible or capable of “being divided, combined or mobilised to suit any transaction” (de Soto, 2000, p. 157). Fungibility, measured by the ease of transferability and marketability of land resources and the underlying neo-liberal assumptions are reflected in the proposals of

the Institute for Liberty and Democracy (ILD) to the Tanzanian government. Christened “the benefits of secure property rights” the goals of land reforms include: promotion of tenure security, increases in investments and innovations in land, efficiency in the allocation of valued and scarce resources, and improvement in access to credit, using land as collateral (Assies, 2009).

de Soto (2000), a prominent proponent of neo-liberal land reforms, attributes the failure of capitalism in the developing world to the absence of legal property titles. His claims received popular support from development agencies across the political spectrum, ranging from neoliberal USAID and the World Bank, to social democratic Nordic governments (Nyamu-Musembi, 2006) who support neo-liberal land administration programmes in many developing countries, including Ghana (Bruce, 2006).

The neo-liberal inclination of the NLP and the LAP are contained in the foreword of the Ghana Land Bank Directory which states that:

“The Government seeks to give expression to its agenda of property owing democracy through the creation of Land Information Banks. It is the view of government that through this scheme, the frustrations and delays that prospective investors go through in accessing land for their ventures will eventually be reduced and subsequently eliminated” (Ministry of Lands, Forestry and Mines, 2008, p. 2).

The neo-liberal economic framework for land reforms is rooted in “the tragedy of the commons” argument that resources held and used in common by a group of people are prone to degradation as everyone tries to draw from the resource in a limitless manner in a world that is limited (Hardin, 1968).

A review of the goals and objectives sought by land administration reforms in Ghana, positions it within the neo-liberal domain. The central theme of the national land policy is that neo-liberal land reforms are capable of ensuring equity in land allocation and land

holdings for the maintenance of a stable environment and sustainable socio-economic development. The argument is made that equitable access and secure land tenure are to be realised by a system of title registration, while the poor will be protected from becoming landless by ensuring that government pays fair and adequate compensations when it acquires land in the public interest (Ministry of Land and Forestry, 1999).

Ghana's neo-liberal approach to land reforms has been variously criticised. Aryeetey (2007) has criticised the policy on the grounds that it seeks to legitimize and strengthen traditional authorities without proposing measures to protect their subjects and other interest groups. He also argued that discriminatory customary practices affecting women, youth, and migrant farmers have not been given any due consideration. Bugri (2004) also criticises the policy for its overreliance on title registration as the measure to enhance land tenure security and encourage investment in the land sector. This, he argues is contrary to lessons learnt from the experiences of Kenya and other countries that experimented with title formalisation. In a similar vein, Whitehead & Tsikata (2003) have questioned the implications of title registration for the multiple interests in land as well as the derived and secondary rights, suggesting that registration would rather make those rights even more insecure. Reviewing the policy documents underpinning land reforms, this study also established that, despite the importance of pastoralism and its reach and spread within Ghana, the National Land Policy (NLP) and land administration reforms completely ignored the sector.

1.6 Access to Land/Pasture by Pastoralists

While this sub-section discusses the challenges facing pastoralists in seeking to access pastures, it is imperative to give some brief demographic details of the study participants. Pastoralism in the NSM is a purely male dominated occupation and largely a preserve of Fulani migrants in the area. The youngest pastoralist interviewed for this study was 15 years of age while the oldest was 49 years. Three of the interviewees were single and nine were

married. While they all indicated that they were born in various parts of Ghana, they traced their descent to neighbouring countries of Burkina Faso, Niger and Togo. The pastoralists are sedentary and wage employees of cattle owners of Nkoranza and Ghanaian descent. Mobility in their practices is limited only to pasturelands within the Nkoranza Municipality. This is the emerging trend in pastoral practices as Brottem (2013) and Kitchell *et al.* (2014) report that pastoralism in agro-pastoral West Africa often take place along distances ranging between 5 to 25 km. Dongmo *et al.*, (2012) also observed that pastoral activities in the Sudano-Sahelian zones take place within 1 to 10 km radius usually around encampments. Cattle numbers average about 30 head, ranging between 20 and 61 head. Pastoralism and related activities are the major occupations of the Fulani and as such they have limited alternative sources of livelihood compared to other members of community of the Nkoranza area. However, as part of the conditions of their employment, they are able to sell the milk from the cattle to supplement their income. They also use the lands around their huts for the cultivation of food crops, mostly maize and vegetables such as pepper and tomatoes. All the pastoralists interviewed reared also goats and fowls. Three of them were managing the herd of two or more cattle owners. Salaries range between USD13.50 – 21.61 per pastoralist, per month (Fieldwork 2013/14).

Access to pastureland in the Nkoranza area was until recently minimally contested. Early pastoral migrants like other migrants were received into the Nkoranza area by local community chiefs and their elders. They grazed their animals on communal fallow lands based on arrangements requiring them to partake in communal labour, pay homage to the local chiefs and contribute in cash or kind to the annual *Munufie Kese* festival of the paramount chief. This was particularly the case in the late 1970s and early 1980s after which period mobile pastoralists were expelled from the Nkoranza area, leaving behind only hired herders. Negotiated access to pasture is no longer the case as disappearing commons and

commercialised agriculture resulting from land reforms combined with changing community dynamics, altered access to fallow lands for grazing. The changing situation is aptly described by an interviewee of the Nkoranza community, in his response to how pasture is accessed for his cattle:

“My father and his brother were the first migrants to successfully settle and herd cattle within the Nkoranza township in the 1960s and 1970s. Until then people of Nkoranza were entirely non-receptive of migrants, generally. My parents, however, successfully settled here, developed a good bond with the people and had access to the commons to graze their animals. These days, no matter who you are and how you behave towards people once you own cattle you need to find a very good way of feeding them. Nobody will allow you to graze your cattle on their fields. Imagine my cattle locked-up in the kraal at this time of the day” (Personal Interview with a Fulani cattle owner, 2013/14).

As evident from the narrative, cattle were fed on fallow lands in a relatively unimpeded manner. The only restriction on herders was for them to ensure that they controlled the movement of their animals to prevent them from straying into farmlands to destroy crops. There were also systems of sanctions and fines in place and farmers could report the destruction of their crops by cattle to the local chiefs. The chiefs arbitrated such cases and imposed varying fines based on the levels of crop destruction. While this is still largely the case, it is becoming difficult to graze animals because lands and agricultural activities are being commercialised and privatised.

Grazing cattle in the NSM in recent years is a largely contested issue. Herdsmen argue that the sheer numbers of their animals require that they move them around to feed them. An interviewee of the *Asunkwaa* community lamented thus:

*“The main issue is that cattle just like humans are selective in the things they eat and do not eat. Commonly, cattle prefer elephant grass (*Pennisetum purpureum*) and vetiver (*Chrysopogon zizanioides*). These specific grasses are not uniformly available across the communities. As such it is our responsibility to always take the cattle to places where we can find the desirable grasses for them. However, landowners are unwilling to allow us access to the grasses even-though there are fallow lands all over the place. These days I can no longer move around with the cattle to graze them; I cannot also go get the feed from the forest because of the numbers and the restrictions and I cannot also keep them locked in the kraal all day. We are simply driven about daily by landowners who claim that the cattle harden the lands and render them difficult to till”* (Personal Interview, 2013/14).

In instances where lands are even lying fallow, entry and for that matter access to pasture is mostly restricted by the erection of sign posts with inscriptions such as “*property under lease, please keep off*”; “*site for...., please keep off*”. Such sign posts are common phenomena in Nkoranza. The prevention of access to pastureland by landlords results in contestations, accusations and counter-accusations between pastoralists on the one hand and landlords and farmers, on the other. Pastoralists are accused by farmers, and widely carried in the local media, of all manner of crimes, ranging from rape to armed robbery and murders. On the other hand, landlords and farmers are accused by pastoralists for lack of candour and for threatening their lives with weapons such as guns and cutlasses. Out of the 12 pastoralists interviewed four showed how parts of their bodies had been stitched after machete attacks on them by some farmers.

Examining the accusations and counter-accusations, the study observes that the accusations by farmers that Fulani pastoralists engage in violent crimes are not entirely false. This notwithstanding, violent crimes are not the preserve of Fulani pastoralists. During

interviews, while individual pastoralists absolved themselves from violent practices, they argued that if their colleagues commit violence, then it was meant to put fear into other competing land users and create easy access to pastureland. Justifying the behaviour of their colleagues makes it difficult to absolve themselves from violent practices, particularly, if found in similar situations. The threats on the lives of pastoralists by landlords and farmers are also practices in the same vein. This observation is reinforced by the narration of an interviewee of the *Nkwabeng* community:

“Some two weeks ago, a woman attacked me with a cutlass in the bush. In fact, given the ferocity, speed and manner she raced towards me, I reasoned that I had to protect myself. I stood aside and asked her to come. Sensing danger, she asked me what I could do to her and I threatened to use the club I was using to control the cattle on her. Realising how serious I was, she then retreated and I drove my cattle away”

(Personal Interview, 2013/14)

In seeking solutions to these problems, farmers and landlords advocate for intensification of cattle rearing. They claim that rearing cattle is a commercial economic activity and must not be practiced in a manner detrimental to the economic welfare of other land users. Kraal owners on the other hand, argue that ranching will be an overly expensive endeavour. An interviewee of the *Bremang* community was of the view that the current challenges facing pastoral activities are due to the lack of attention to the pro-poor and employment potentials of cattle rearing by policy makers. He argued thus:

“When someone comes to employ 50 people to work on a plantation, we claim they have created jobs. We simply forget that pastoralism has created many more jobs for butchers and cattle dealers who pay all kinds of taxes to the government. Pastoralism also creates jobs through the butcheries, hide, milk production and even cattle trading. It is therefore important to support the activities of pastoralists in land reform

processes. Cattle are also a security against risk to all kinds of farmers and cattle owners. During poor harvests, farmers who own cattle rely on the cattle to deal with their plight.” (Personal Interview, 2013/14)

Beyond the need to access land for grazing, pastoralists also require land for uses ranging from housing, to subsistence farming as well as access to natural resources such as thatch, firewood, and other timber and non-timber forest products. The housing needs of herders, however, are mostly met by the cattle owners. While some expressed the desire to build their own houses in the future, they contend that current land values based on 99 years lease terms for residential plots are beyond their reach. Herders access other resources such as thatch and firewood by negotiating access with land owning families. They, however, indicated that because of the frosty relations between them and the indigenes, they are mostly denied access to these resources by land owners. They therefore either obtain access to such resources through entry to lands owned by the lineage of their cattle owners or buy directly from people selling them.

Land reforms which redefine the role of chiefs to that approximating ownership of communal land resources play a significant role in these emerging developments. The implementation of the NLP and the LAP has strengthened the chiefly administration of land resources and the chieftaincy institution has become the conduit for the expropriation of communal land resources. Under the current land governance system of Nkoranza, all transactions in land are routed through the CLS. Interviews with chiefs and the coordinator of the CLS revealed the following thematic issues: land for agriculture is accessed either through descent by indigenes and/or rentals, long term leases or outright purchase by non-indigenes. Rentals take the form of either a 100kg bag of maize per acre of land per farming season or \$25.00 per acre per year. Rental agreements are entered annually with possibilities for renewal. Long term leases are negotiated between chiefs and the interested parties under

varying arrangements covering specific time periods. Outright purchases which are associated with residential land acquisitions cost about \$2,000 for an 80' * 80' piece of land (June – August, 2013 prizes). In all these dealings chiefs and/or their agents including *Odikros* and *Abusuapanin* play lead roles in the rentals, leases and/or sales processes, a situation unintended under customary land governance.

These developments have significant implications for the livelihoods of pastoralists. Access to pasture invariably means access to food, shelter, income and other basic necessities for pastoralists and their families. This is so because almost all the livelihood needs of hired pastoralists are provided by their cattle owners. Where they live, what they eat and their income comes directly or indirectly from their continued engagement as pastoralists, as per employment agreements reached between them and the cattle owners. Recent developments, however, threaten pastoralism as a viable animal husbandry practice and by extension, the livelihoods of hired pastoralists. While pastoralists are not entirely dependent on the farmlands provided by their cattle owners to meet their food and subsistence needs, harvests from the fields play a significant role in their food requirements. Milk obtained from the cattle is not entirely sold as some is kept for household consumption. Any attempt to intensify cattle rearing, could lead to unemployment for pastoralists and will have adverse effects on their livelihoods.

On the other hand, continuing to practice pastoralism under current conditions could pose even much greater danger to livelihoods. The increasing attacks and counter attacks between pastoralists on the one hand and farmers on the other requires that measures are put in place to reform pastoral activities. It is important to indicate, however, that despite the fact that cattle are owned by people of Nkoranza and Ghanaian descent there are currently no formal governance arrangements and or institutional structures to support customary pastoralism.

1.6.1 Contested pastures? What is the role of land reforms?

Until recently, pastoralists and sedentary farmers co-existed and utilised land resources in a mutually beneficial manner. However, increasing population pressure and changing inheritance and family systems combined to threaten the co-utilisation of land resources by pastoralists and farmers. These developments, taken alone, were not sufficient to offset the balance. Recently, however, central governmental policy on land reforms gives precedence to commercialised agricultural production and intensification over pastoral and peasant practices. This centralised policy goal is offsetting the natural balance of resource access by elevating land access to a level of competitive market forces and aggravating contestations to pastures for pastoralists.

Firstly, rapid population growth, due to natural growth rate and migration reduces the land area available to all. The population of the NSM grows at an annual rate of 2.3 percent and within a relatively short period of 50 years, the population grew from 22, 923 in 1960 to 100,929 in 2010 (Nkoranza South Municipal Assembly, 2010). The rapidly growing population results in land fragmentation and contestations among lineage members for the scarce family resources given that land is a scarce and relatively fixed resource which cannot be reproduced. Rapid population growth in the Nkoranza area has led to growing agricultural activities on formerly fallow lands thereby limiting access to pasture by pastoralists. Similar findings were made by Breusers *et al.* (1998) and Tonah (2006) to the effect that water, pasture and farmland scarcity are accentuated in many parts of the world by increasing human population. McCabe *et al.* (1992) also observe that growing human population in the Ngorongoro area of Tanzania is resulting in loss of grazing lands by Maasai pastoralists.

The adverse effects of population growth on land rights and pastoral access to pastures is worsened by the changing socio-cultural practices (family and inheritance practices) that governed customary land tenure relations. The Queen-mother (*Omanhema*)

of Nkoranza indicated that the inheritance system has changed from *Wofa-adee* (matrilineal inheritance) to *Agya-adee* (patrilineal inheritance); and families are increasingly becoming nucleated. She contended that these changes are the outcome of the exposure of the majority of the people to western education. Her claims are supported in the 2010-2013 medium term development plan of the NSM, which indicates that family and inheritance systems in the NSM have undergone significant changes due to exposure of the people to western education, Christianity and growing economic pressures (Nkoranza South Municipal Assembly, 2010). The changing inheritance and family systems are leading to redefinitions of land access and use rights, enabling parents to “will” their properties directly to their children as opposed to their nephews as was customarily the case. These are leading to growing dominance of smaller families and individualised interests over the collective good and it is a change which has a bearing on land access and use rights for indigenes and pastoralists alike as they reconstruct long held communal practices. Yankson *et al.*, (2009) in a study on land vulnerabilities in the *Kete Krachi* area of Ghana observed that socio-cultural systems are changing due largely to the growing influence of Christianity and Islam and in the process leading to changes in land access and use rights for diverse land actors.

Fundamental to the contestations over land/pastures access by pastoralists, beyond the socio-cultural issues, is land reforms and the changes to land and natural resource governance resulting therefrom. Records available at the Nkoranza Customary Lands Secretariat (CLS) indicate that between 2008 and 2013 chiefs have sold in excess of 600 building plots and about 150 large scale agricultural plots to individuals and corporate interests. Again, the Ghana Land Bank Directory indicates that there is about 54,231.8 ha of banked land in the Brong-Ahafo Region of Ghana ready to be leased to investors for the cultivation of teak, cashew, oil palm and food crops. The directory further indicates that most of these lands are stool lands and private lands located in the Nkoranza and Kintampo districts; both of which

are within the Nkoranza Customary land area. The growing exposure of communal land resources to metropolitan capital investments through the agency model of land governance introduced through land reforms leads to restrictions to the access of pastures by pastoralists. Absentee land owners erect sign posts to restrict entry to fallow lands that they have duly acquired. Smith & Wishnie (2000) and Behnke (2008) observed that it is almost always impossible under land reforms for the interests of pastoralists built around flexible institutions and *ad hoc* organisations of resource access to compete against those of governments and commercial interests.

Closely related to, and resulting from land reforms is the gradual disappearance of the commons. As initially argued, the commons in Nkoranza derive from the local conception of land which is limited only to the surface soil. Land reforms, however, result in the alienation of hitherto communal resources to private and corporate interests. The rising alienation of land by chiefs take place on fallow land resources, which served as grazing grounds for pastoralists and provided multiple productive and environmental services in support of pastoral livelihoods. The work of Tsikata & Yaro (2011) on land market liberalisation in Ghana as well as that of Schoneveld & German (2013) on the new commercial pressures on land in Ghana support these observations, when they indicate that the large scale acquisition of “productive and virgin” common property areas in many communities across Ghana worsens the vulnerability of the poor.

Again, commercialisation of agriculture is a major impediment to pasture access. It is a development equally related to and emanating directly from the kind of land reforms that has been embarked upon in the Nkoranza area. The Nkoranza area has in recent years seen massive growth in commercial agriculture due to the security associated with land acquisition. For instance, KIMMINIC, a Canadian bio-fuel company has acquired 13,000 ha of land in the *Bredi* area of Nkoranza for the cultivation of *Jatropha* under a 45 years lease term, which

gives 25 percent of profits to the local chief. OLAM Ghana, a Singaporean produce buying company, supports about 1,200 commercial cashew growers in 20 communities in Nkoranza whose farm sizes average 2.5ha, and totalling 3,000 ha. There are also some estimated 21,660 ha, 10,500 ha, 15,548 ha and 3,535 ha of land under commercial cultivation of maize, cassava, yam and tomatoes, respectively (Municipal Agricultural Development Unit, 2013). These commercial agricultural activities largely take place on leased, rented and or out-rightly bought lands and these developments deprive pastoralists' access to pastures. Similar developments are taking place in Tanzania as McCabe *et al.* (1992) and Goldman (2011) established that grazing lands by Maasai pastoralists in the Ngorongoro area and Manyara Ranch have been lost due largely to privatisation of lands for commercial farms and ranches and the expansion of tourist game parks.

1.7 Conclusion

The rate at which land resources are being privatised coupled with commercialisation of agricultural practices renders the continuous practice of pastoralism difficult to justify. On the other hand, the overwhelming importance of pastoralism requires that measures are put in place to sustain the practice. Based on the governing arrangements for pastoralism in the NSM, this study concludes that land reforms need to be so constructed in such a way that they take into consideration the historical evolution of communities, new and emerging pressures for land use conversion as well as the communal systems that govern and mediate land access, use and management. This study has shown that the reformed land tenure system, which creates opportunities for large scale land acquisitions, and individualised systems of land ownership, is the catalyst speeding up all the other related processes and creating difficulties for negotiated land access, as was customarily the case. Therefore, state policies over land and natural resources should seek to sustain communal practices, land use dynamics and cultures by supporting land tenure stabilisation and increasing voice and

accountability over land use decision making (Sayre et al., 2013). Pastoralists and cattle owners also need to come together to form associations which can be used as a means for addressing their growing marginalisation (Kitchell *et al.*, 2014).

7.1 Introduction

This study has established that there is a re-emergence of land reforms in the global south as a possible panacea to poverty. The study therefore set out to understand the extent to which land reforms in Ghana are capable of addressing poverty concerns and contributing to the attainment of meaningful development outcomes. Ghana's land tenure system is organised such that communal land tenure operates alongside statutory tenure, although 80 percent of land is held under communal land tenure arrangements (Mends & Meijere, 2006). The National Land Policy (NLP) of 1999, however, identified a number of problems associated with both customary and state land tenure systems. State governance of land resources is criticised as unjust, inefficient, inequitable and unsustainable (Kasanga & Kotey, 2001). Communal land governance on the other hand, is said to suffer from a breakdown of the trusteeship ethos resulting in landlessness, homelessness and endemic poverty and general insecurity of tenure for men and women alike; while transactions in land are seen to be messy because chiefs possess titular power over land (Kasanga & Kotey, 2001; Mends & Meijere, 2006). These problems were said to affect land management, land use and development in general (Ministry of Lands and Forestry, 1999).

The Government of Ghana therefore developed a National Land Policy (NLP) in 1999 and embarked on a Land Administration Project (LAP) in 2002 seeking to address the multiplicity of challenges confronting access to land for productive activities under both customary and state land tenure systems. The LAP seeks to harmonise the plethora of land policies and legislations governing land access and use in Ghana; undertake institutional reforms and capacity building for land sector agencies; develop a transparent system of land titling, registration, land use planning and valuation; and develop methodologies for

alternative dispute resolution in the land sector. A decade into the implementation of these programmes, this research set out to understand the negative and positive impacts of land reforms on the land access, use rights and implications for livelihoods of women farmers, pastoralists and migrant farmers.

The study focused on these categories of land users because of the challenges that such people encounter over land access and utilisation under both customary and statutory land tenure systems. It is established (Kevane, 2004; Lastarria-Cornhiel, 1997) that both customary and statutory land tenure arrangements disadvantage women farmers and have often resulted in weaker rights to land, water and other natural resources. It is also observed (Shivji, 1998) that pastoral practices are often regarded as backward in comparison with crop cultivation. Again, pastoralists are accused by farmers and agro-ecologists of a neglect for landed property rights while their practices are tagged as environmentally dysfunctional and detrimental to national economies (Hardin, 1968; Tonah, 2002). Migrants, on the other hand, were chosen for this study because, in most Ghanaian societies, migrants depend on arrangements other than descent to access and use land resources. Specifically, the study sought to answer the following questions:

- What are the impacts of land reforms on the land access and use rights of women farmers in the Nkoranza South Municipality?
- What are the impacts of land reforms on the land access and use rights of pastoralists?
- What are the impacts of land reforms on the land access and use rights of migrant farmers?
- What are the impacts of land reforms on the livelihoods of women farmers, pastoralists and migrant farmers?
- What are the effects of land administration reforms on the local systems and institutions that currently manage common property resources?

The answers to these research questions are summarised below, beginning from the Ghanaian context and expatiating to broader theoretical and policy issues.

7.2 The Ghanaian Context

Within the Ghanaian context, the evidence from the Nkoranza South Municipal case study shows that three key issues require the attention of land reformers and policy makers. These include the observations that poorly constructed land reforms worsen the land access and use rights of marginal land users; the need to revisit the role of the traditional chieftaincy institution under the land reforms system of Ghana; and by extension the need to curtail the powers of the local chiefs over land use decision making. These issues are further discussed below.

7.2.1 Poorly constructed land reforms worsen the vulnerability of the poor

Communal land tenure systems undergo changes in response to a number of varying factors. When they are the result of internal communal factors such as population growth or changes in the quality of the land resources base, the impacts on the land stressed are minimal. This is so because such changes evolve over a longer period of time, allowing for communal systems to naturally respond to the changing situation. When they are the result of some external intervention resulting either from state land reform initiatives or global resource demands, the impacts on the ability of the land stressed to access and use land is worsened. Their inability to access and use land resources due to competition from metropolitan capital investors exposes the land stressed, land users to poverty.

This study argues in Chapter 2 for a holistic and integrated approach to land reforms encompassing the various influencing variables. Chapter 4 then presents empirical data using the analytical framework developed in Chapter 3 to show that when land reforms are driven by factors external to the local environment, there will be negative consequences on the poor's ability to access and use land. This is because communal processes of gift giving and

consensual decision making over resource access and use are replaced by monetary transactions. Given the poor's inability to actively participate in the land sales and rental markets, their land access and use rights are negatively impacted.

Within the Nkoranza case study, it was observed that simultaneous recognition of multiple rights is required to ensure shared and sustainable access and use of land for cropping, grazing, access to the commons, access to forest and non-forest products, among others. This could entail layering the use categories, enabling two or more people to access a parcel of land for different purposes such as cropping and hunting, grazing and cropping and forestry and forage harvesting (Wallace & Williamson, 2004). The reformed land governance system in its current form does not support such processes. While this observation has general applicability across the Ghanaian landscape, it equally holds relevant for many African and other developing countries. The experience of countries such as Kenya has shown the relative lack of efficacy of neo-liberal land reform approaches to the promotion of efficient use of customary lands and/ or the realisation of pro-poor land reform goals (Bruce 1986; Quan 1998; Migot-Adholla et al 1991). And even with respect to the goals of efficiency and equity, there is sufficient evidence that suggests that neo-liberal land reforms fail to achieve the goals of certainty and reduced conflicts in places subject to customary land governance, as is the case in Ghana and other developing countries across Africa, Asia and Latin America (Bruce, 2014; Knetsch and Trebilcock, 1981).

7.2.2 Revisit the role of the chieftaincy institution

The people of the NSM have been successful in the management of conflicts over land and natural resources use in a manner that respect community principles of consensus building and egalitarianism. This was achieved through the hierarchical arrangements over the allocation of land resources. This view permeates the various empirical discussions presented in Chapters 3, 4 and 5. Land administration reforms in Ghana, however, create a

system of land governance that is top-down in orientation and is at variance with long held communal practices grounded on consensus building and egalitarianism. The result is increasing challenges to the decisions of the chiefs, hitherto revered by the local people, as well as increasing conflicts over resource access and utilization. Chapter 4 in particular raises instances where the decisions of chiefs to lease lands under various usufructuaries to commercial interest and plantation purposes have been challenged by families, even to the level of the law courts. The relevance of local participatory approaches to development practice generally, and to land and natural resources reforms in particular, is explicitly reflected in this study of land administration reforms in the NSM. It is important that in initiating measures to reform land and natural resources governance communal systems are incorporated into the technical details. The system of reforms needs to have a clear understanding of how land is held and distributed within the NSM, and efforts should be geared towards holistic and integrated local land management as opposed to an obsession with local land rights. This is the crux of the argument in Chapter 4 and reflects the conceptual views expressed in Chapter 2. Simply put, the concern should be about the empowerment of local land actors as opposed to the local land custodians.

The view emanating from the research area, which is consistent with other studies (Berry, 1997; Kasanga & Kotey, 2001; Ubink & Amanor, 2008) on land governance in Ghana, is that the chiefs perform titular functions. As such the chiefs were entrusted with powers to ensure the equitable allocation of land among various land use actors. Land reforms as it is being pursued, however, redefine the traditional role of the chiefs to that approximating ownership of communal lands. The current land reform system lacks adequate safeguards for communal land rights vis-à-vis the self-seeking tendencies of the chieftaincy institution and this is a major threat to poverty outcomes and the livelihoods of the land stressed. Fundamentally, it is argued as in Delville (2002) that land reforms should be pro-

poor in outlook and include strategies that can secure food security delivery, sustainable livelihoods and the social protection of agriculture. This view resonates well with other studies on chiefly control of land resources in Africa and elsewhere (Machina, 2002; Brown, 2003) where there are widespread reports of chiefs treating communal land resources as their private property.

7.2.3 Curtail the powers of the chieftaincy institution

Related to the above is the need to curtail the powers of the chieftaincy institution over land and natural resources management. This study raises critical questions in Chapters 4, 5 and 6 about the continued relevance of the chieftaincy institution for negotiating equitable land access for diverse land users. It is important to revisit this because the rent seeking behaviour of the chieftaincy institution is exposed in the different empirical papers constituting this thesis. It has become imperative therefore that in seeking best practice options for the legal recognition of customary land governance systems, options beyond the narrow communal structures, which vests titular functions in the chieftaincy institution, are explored. The policy processes will be more relevant if they employed approaches such as the “group incorporation method” or “the land boards method” as opposed to the “agency method” currently being applied.

Fitzpatrick (2005) discusses the group incorporation method of land governance as one in which principals and agents are brought together to form an incorporated legal entity. The land boards method is one in which authority over land is transferred from the chieftaincy institution to locally established land boards. Both approaches, according to Fitzpatrick (2005), are the best known institutional methods for reducing agency risks. They are also relevant for ensuring community involvement and promoting voice and accountability in the management of communal lands and natural resources. Given the growing concerns over decisions by the chieftaincy institution of the NSM over land and

natural resources, it is important to revisit the governance paradigm at play in the land reform environment. The possible panacea to the emerging problems will be the adoption of the group incorporation method or the land boards method to communal land governance in the NSM in particular and Ghana in general, given their relative success in other developing country contexts.

For instance, Papua New Guinea's Land Group Incorporation Act, 1974 enables various customary groups to incorporate as formal legal entities, vested with the power to hold, manage and alienate land resources on behalf of community members. Similarly, South Africa's Communal Property Associations Act, 1996 allows customary groups to incorporate, and to acquire, hold and manage property on behalf of the group in accordance with an agreed constitution (Fitzpatrick, 2005). On the other hand, the land boards method has been successfully trialled in Botswana and Lesotho. In the case of Botswana, Quan and Toulmin (2000) reported that authority over traditional land was transferred from local chiefs to district and sub-district land boards by the Tribal Land Act of 1968. While these boards had the chiefs and/or his appointed deputy as ex-officio members, membership often comprised five locally elected representatives and up to seven members appointed to represent various governmental departments. A similar approach is practiced in Lesotho, where the Land Act of 1979 puts the administration of all rural lands under decentralised land committees (Adams et al., 2000). These land boards, as they exist in both Botswana and Lesotho are mandated to allocate lands, adjudicate conflicts, implement land use planning policies and collect leasehold rents (Fitzpatrick, 2005).

7.3 A Departure from Dominant Land Reform Theory

A major issue emerging from this study is that land tenure relations (relations between land tenure systems and the rights of individuals to access, use, manage, exclude and alienate land resources) are more complex than they are represented in the dominant land reform

theories. Reviewing the literature, the study found that approaches to land tenure reforms are an either/or phenomenon often seeking to entrust the governance of land and natural resources in the state, individuals or the community. Chapter 2, however, makes use of the land-land metaphor of a geomorphological drainage system, theoretically grounded in the work of Von Bertalanffy (1972) on general systems theory to argue that land tenure systems in many rural communities are an interplay of many variables in constant interaction with each other.

The argument is made that it is beneficial to think of land tenure reforms in terms of systems working together in an organic way. This is because land tenure systems are an embodiment of planning cultures, policy and legal frameworks, institutional arrangements, population dynamics and sustainability concerns, among other variables, which interpenetrate each other and are always interacting and interfacing with others and the environment, generally. Theoretically, this study advocates that land reforms be examined in terms of the multiplicity of variables governing them in their “whole” and “wholeness”. This is in contrast to that proposed by dominant land reform theories, which often seek to replace one form of tenure with another (i.e. community system with state and/or private system).

This understanding of land reforms is empirically illustrated in Chapters 4, 5 and 6 where it is argued that land reforms pursued as “silo” developmental interventions cannot address pro-poor needs. It is argued in Chapter 5, for instance, that perceiving land reforms broadly as a system can generate land governance regimes whereby the lines of responsibility are not only made explicit but also ethical, resulting in fairness and equity in the allocation of communal land resources (Chigara, 2004; Cilliers, 2000; Davy, 2012). Chapter 6 makes the case that state policies over land governance should incorporate communal practices, land use dynamics, cultures and local structures as a way of promoting inclusive and holistic land governance and sustainable land resources utilisation. It is important to have this holistic

view and to incorporate community processes into land reform initiatives because, as argued by Fourie (1999) systems only survive when they resonate with the users. Equitable and efficient land delivery systems must therefore be seen by the immediate beneficiaries as sustainable if they are to be pro-poor. This is applicable to the NSM and Ghana generally as well as other developing country contexts.

7.4 Measure Poverty in the Realm of Capabilities

Another contribution of this research to theory is in the area of poverty analysis. This study establishes that if poverty reduction remains the goal of land reforms, then the capability approach provides a better framework, within which land reform outcomes are to be measured, as opposed to basic needs and/or utility maximization. Drawing from the multiplicity of literature about poverty, this study argues that frameworks for measuring poverty can be broadly categorised into three – income concepts (Narayan et al., 2000; The World Bank, 2000; Townsend, 1962, 2010), basic needs concepts (Cummins, 1996; Maslow, 1943, 1954, 1968, 1971; Maslow & Lowery, 1998; Max-Neef, 1991; Nussbaum, 2000) and capability concepts (Robeyns, 2005; Sen, 1992; Stewart & Deneulin, 2002). The study then constructs an analytical framework arguing that if the aim is to use land reforms as a pro-poor development intervention, then the capability space is the most appropriate realm within which to measure poverty outcomes. It argues that it is only within the realm of capabilities that the land rights of disadvantaged land users such as women farmers, pastoralists and migrant farmers can be “respected, protected and fulfilled” (Genugten & Perez-Bustillo, 2001, p. 154).

Within this space, capabilities encompass laws, communication systems, policies, conflict resolution mechanisms, resource allocation strategies, planning frameworks and participatory approaches that are seen by the poor as enabling and just enough to support their ability to access, use, withdraw, manage and alienate land resources. It also entails

providing access to education and health services and providing voice and accountability over land use decision making processes. The fundamental argument is that we can better appreciate the conditions of the poor if we analysed their situation within the context and socio-economic structures that reproduce poverty (Beck & Nesmith, 2001) and the capability space provides a better framework for such an analysis in land reform environments.

Chapters 4, 5 and 6 provide field level evidence to buttress the relevance of the capability framework to poverty analysis in land reform environments. Exploring primary and secondary land rights in the Nkoranza South Municipality (NSM) for instance, Chapter 4 argues that the current governance arrangements over land resources disadvantage the poor as non-monetary arrangements over land access are gradually being replaced by monetary arrangements and in the process pushing the poor to marginal lands. The poor are pushed to marginal lands because they lack the resources required to actively participate in the emerging land market.

Chapter 5 also uses multidimensional poverty indicators modified from the Welfare Composite Index (WCI) to argue that people are classified as poor or rich depending on their access to land resources and certain basic socio-economic assets such as radio, refrigerator, television, potable water, improved toilet facility and improved housing. The study then makes the point that given that women farmers, pastoralists and migrant farmers are confined to marginal lands; possess little or none of the assets under the multi-dimensional indicators for measuring poverty; have little voice in land resources decision making processes; and are confined to peasantry, then these categories of land users are poor. Chapter 6 also argues that the growing disappearance of the commons and individualisation of land resources exposes pastoralists who traditionally depended on these resources to graze their cattle to joblessness with varied implications for pastoral livelihoods. It is therefore empirically argued that diversity is paramount to the sustenance of rural livelihoods and land is the bases. Access to

fallow lands and other livelihood resources are crucial for the livelihoods of the poor and a major coping endowment for exiting poverty (Tsikata & Yaro, 2011). Land reforms must therefore seek to enhance the poor's ability to access unused lands and other forests and non-forests resources. Cousins (2003) and Ellis (2000) expressed views approximating the need for capability measures when they argued that to minimise the livelihood constraints of land reforms on rural land based actors in land reform environments, the socio-economic structures at the village community level need to be transformed to enable the poor access and use land resources.

7.5 Integrate Land Reforms with Broad Development Interventions

This study also makes a case in line with recent literature (Chigara, 2004; Davy, 2009, 2012; Deininger, 2003; Manji, 2006; Wallace & Williamson, 2004) that pro-poor land reforms should be undertaken as part of broad, integrated and holistic development interventions. This requires that pro-poor land reforms be broadened to encompass the provision of basic social amenities such as water, sanitation, education and health services; integrate local land management practices in the reform agenda; and holistically deliver on the needs of urban and rural land users, taking into consideration the differences in land needs. It particularly, argues that having transformed communal land tenures to market systems, policies need to also encompass measures that enable the poor to effectively participate in the land rental, lease and purchase markets. Discussions in chapters 4 and 5 point to a growing situation whereby women farmers, pastoralists and migrant farmers are unable to effectively engage in the land market because of rising land values. Policy making, therefore, needs to encompass mechanisms of credit provisioning, unconditional state transfers, land use planning and regulation systems that support poor land actors access land either through the market or via the commons created through spatial planning.

To attain pro-poor outcomes using land reforms it is important to pursue integrated approaches. This is because evidence presented in Chapter 5 shows that women farmers, pastoralists and migrants farmers have poor educational attainments, weak participation in land use decision making and generally poor skills sets. Given that economic opportunities outside the land and natural resource sector of the NSM are few and social policies such as the free Compulsory Universal Education (fCUBE) are faltering the poverty situation of poor land actors have been worsened. There is the need therefore, for policy makers to recognise the relevance of pursuing broader, integrated and holistic approaches to pro-poor land delivery. Similar approaches are also proposed in the food security literature discussed by Meinzen-Dick & Di Gregorio (2004). Chapter 5 specifically argues that land reforms can be made a poverty reduction tool when proposed land delivery mechanisms are integrated with the delivery of basic social amenities such as water, sanitation, housing and principally, food security. This is because the evidence from the NSM case study shows that women farmers, pastoralists and migrant farmers are poor across a number of the multi-dimensional indicators for measuring poverty under the Welfare Composite Index (WCI). They are poor in the areas of access to potable water, sanitary toilets and improved housing.

In Chapter 5, it is submitted that land reforms should integrate interventions to enhance the personal, social and environmental conversion factors required to improve the “functionings”, capabilities and livelihood support systems of the poor. This is because evidence from the NSM case study shows that poor land users have poor educational attainments, inadequate skills sets, low participation in land use decision making and lack of protection for usufructuary land rights. As such measures to improve the personal conversion factors should include educational opportunities for the children of poor land actors. It should also include direct skills development programmes for the poor to help transition them from absolute dependence on land to other sectors of the local economy. Social conversion factors

include measures that improve the participation of poor land actors in land use decision making, credit support to the poor to acquire lands, protection of secondary land rights and usufructuary rights and the protection of agriculture, generally. Land reforms should also address the environmental conversion factors by ensuring that large scale land acquisitions are accompanied with Environmental Impact Assessment (EIA) reports detailing the impacts on economic, social, cultural and other livelihood support systems. This should not just be made as blue-print provisions but strictly enforced to ensure that prospective investors meet the requirements. The work of Scoones (1998) support this view when they variously argued based on evidence available from various studies that land reforms must be made integral components of rural development interventions if the goals of increased productivity and poverty reduction remain relevant concerns of such initiatives.

7.6 Conclusion

Conclusively, it can be argued that land reforms in Ghana support the empirical evidence from other land related studies in Africa that instead of improving security, land reforms can rather lead to insecurity and conflicts over land (Atwood, 1990; Platteau, 1996; Schonveld & German, 2013; Tsikata & Yaro, 2011). The NSM case study provides far reaching evidence to support the fears of the above authors as neo-liberal land reforms have resulted in the relegation of the poor to marginal lands, pushed land values beyond the ability of the poor and exacerbated their rights of access to the commons. This is the position long espoused by (Boserup, 1965) when she suggested that successive steps towards privatization of land resources may as well create less and not more security of tenure, rather resulting in increased litigation. Empirical evidence presented in chapters 4, 5 and 6 indicate that while there may be security of tenure for those with the resources to actively engage in the land market, there is growing distrust and disrespect for the once revered chieftaincy institution as individuals are beginning to question their decisions over communal land disposals.

Implicitly, the current system initiated through the state bureaucracy, results in uncertainties for land stressed actors. Again, the efficacy of the traditional chieftaincy institution for providing security of tenure for diverse land actors and to help manage economic differentiation (Platteau, 1996) is also being questioned. The conclusions that are decipherable from this study on land reforms in the Nkoranza South Municipality of Ghana are that:

- Land reforms are inevitable, but carefully planned land reforms must be pro-poor. Land reforms are inevitable because human societies are in constant interaction with variables internal and external to them. These interactions generate a need for locally constructed systems to change in response to the changing internal and/or external dynamics. When land reforms are the result of evolutionary communal processes as opposed to external intrusion they can better address pro-poor outcomes. That is to say, where we want to go and what we aspire to achieve must be the result of years of historical and traditional experience (Sachs, 2002).
- However, opening up the land resources of rural communities to metropolitan capital investments and transnational land deals, while good for the promotion of efficient land uses, can be detrimental to equitable land uses. This is because, the growing monetization of the land access and use space have made poor land users worse off than they were prior to the land reforms as they are unable to effectively participate in the land rentals, lease and purchase markets.
- Land reforms that seek to address poverty must be part of broader and integrated development interventions. They must make use of the assets, resources, knowledge of local people and promote voice and accountability. Land reforms should also be so undertaken that the cosmovision of land of the people is incorporated into land reform initiatives. The resort to an agency model of land governance based on the need for

land market liberalization threatens social coherence as discussed in Chapter 6 and long term food security as examined in Chapter 5.

7.7 Reflections on the Study and Future Directions

This study proposed and adopted an original approach to the analysis of poverty in land reform environments. The capability space of land reforms and poverty was proposed after careful consideration of other poverty assessment measures showed that poverty can be reduced when the “functionings” of the poor are enhanced. Reflectively, the recourse to an ethnographic case study approach for a detailed socio-cultural analysis of land reform issues is only traceable to the work of Dunning (1970/71) in Ethiopia, although it is variously applied in other fields of study. The break with dominant land reform theory to rather emphasize the need for integrated, contextualised and holistic approaches to land reforms is in line with emerging debates about pro-poor land reforms. While the dominant thinking about land reforms has predominantly remained an either/or exposition on market, state or community governance, this study advocates for a system that integrates the positives of the various approaches. The examination of the relationship between land administration reforms and poverty within a capability framework as opposed to the dominant “utility maximising frameworks” emerging from neoliberal approaches holds promise for understanding the complex environments within which land reforms are pursued.

The land reforms in Ghana have achieved significant successes relative to the goal and objectives underpinning the LAP. The NSM case study shows that transparent dealings in land have increased; boundary disputes are on the decline; there is increased security of title to land; and enhanced institutional capacity for efficient and effective land administration. These successes are, however, dwarfed by the lack of protection of the rights of marginal land users; lack of participation and consensus building in land use decision making; and the growth in commercial agriculture involving commercial tree crops such as cashew, mango

and teak to the neglect of traditional food crops, with likely implications for food security in the future. Future efforts at land reforms need to ensure that the object of reforms is not targeted at land's commodity value but also its gift and sacred value aspects. These will enable the poor gain access to land in a non-monetary manner. Land reforms should also come with packages that support the marginal groups to acquire and keep small family farms and should be participatory in nature. Future land reforms should also promote inclusiveness and protect against the loss of usufructuary rights by enabling marginal land users to retain ownership of the parcels available to them.

Closely related to the above is the claim that land reforms enhance productivity and efficiency in land use. While this may be seen to have happened in the NSM case study, the issue worthy of attention is the kind of productivity gains alluded to by land reformers. Given that the productivity in the NSM revolves around large scale commercial monocultures involving tree crops and declining food crops production, the productivity claims needs to be reconsidered. If land reforms seeking to enhance productivity and efficiency in land use rather threaten long term food security, then whatever the productivity gains may be, there cannot be a justifiable basis for embarking on reforms. This NSM case corroborates recent thinking (The World Bank, 2006; Buckley and Kalarickal, 2006) that neo-liberal land reforms do not necessarily enhance productivity and efficiency gains, particularly so when the capital markets are poorly developed and a range of ownership structures exists, suggesting instead for more nuanced approaches.

Equally related to the discussion on what could be done to enhance the land access and use rights of marginal land users is the issue of whether the situation of poorer small scale farmers can be improved through land reforms. Given that poorer small scale farmers in the NSM area access and use land through descent and have no right to alienate land, their land access and use rights are as precarious as other vulnerable groups. They are not assured

of their continuous access to their farmlands and under the present arrangements around an agency model of land governance, poorer farmers only get compensation for standing crops in the event of land lost to investment interest. While land reforms seek to support the growth of the land market, it must be realised, that poor land users, including poor small scale farmers also require protection against the unintended consequences of the market and this must be done through appropriate governmental regulation (Haldrup, 2003). Given these concerns, there are a number of issues, however, that need to be further explored in the Ghanaian and global land reforms debate.

It is important to further examine how arrangements can be made to ensure that temporary land transfers are made secure. It is the case in Nkoranza that land transfers involving poor land users mostly take the form of annual or biennial land transfers, on rental basis. The security associated with such transfers is questionable as land users have only rights of access and use. In the wake of the emerging challenges, further research needs to explore the extent to which such temporary transfers can be made more secure.

There is a growing recognition of the relevance of customary systems and institutions (Anafo, 2013; Chigara, 2004; Davy, 2009, 2012; Deininger, 2003; Manji, 2006) in the management of land and the need to undertake land reforms using place specific and contextualised approaches. The challenge, however, lies in how to integrate customary systems and institutions with “modern land governance” systems. It is therefore important for future studies to explore the nexus between these governance systems and to proffer alternatives for an efficient, integrated and holistic land governance system encompassing customary and modern state institutions.

The point has also been made (Enemark, 2003) about how best to engineer a land administration system in support of the efficient functioning of land markets. The argument is that innovative approaches should be found whereby the operations of land markets and an

effective land use administration system are made the basis for sustainable approaches to social, economic and environmental development. This arena needs also to be further explored in the Ghanaian context given the emerging land market pressures.

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Appendix I: Interview Schedule (Traditional Authorities)



INTERVIEW SCHEDULE (TRADITIONAL AUTHORITIES)

**LAND REFORMS AND POVERTY: AN INQUIRY INTO THE PRO-POOR
POTENTIALS OF TITLE FORMALIZATION IN GHANA**

Part I: Reference Information

Date of Interview			
Community ID Number			
Household Number			
Number of People in the Household			
Results of Interview (Tick as Appropriate) <ul style="list-style-type: none"> • Incomplete (to be continued on an agreed date) <input type="checkbox"/> • Incomplete (Refused to continue with interview) <input type="checkbox"/> • Incomplete (Other, specify.....) <input type="checkbox"/> • Complete <input type="checkbox"/> 			

Part II: History/Origin of Community

No.	Issue	Response
1.	Indigenous group	
2.	Place of origin	
3.	Name of stool/skin <ul style="list-style-type: none">• superior chieftain• sub-chiefs	
4.	Composition of the traditional council	
5.	Functions of the traditional council	

Part III: Reflections on Land, Land Governance and Land Reforms

6. Who owns the lands of this community?
7. What does land represent in the lives of people of this community?
8. What taboos/totems are associated with land?
9. Which local institutions or persons have oversight over land?
.....
10. What are their functions?.....
.....
.....
11. What local land use regulations have been put in place by the local regulators?
.....
.....
.....
12. What sanctions are in place for violations of local land use regulations?
.....
.....
.....
13. When was land administration reforms introduced in this community?.....
14. Were there consultations and what categories of people took part in the consultation process?
-
-
-
15. How have the reforms affected the following?

- Land ownership?
- Land use?
- Land governance/management?

16. What have been positive effects of reforms on local land governance institutions?

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17. What have been the negative effects of reforms on local land governance institutions?

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18. How are local land governance institutions adjusting to the chang(ed/ing) situation?

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Part IV: Changing Tenure and the Position of the Vulnerable

19. How did women hold and exercise rights to land under customary tenure in this community?

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20. How do women hold and exercise rights to land under the reformed tenure system in this community?

.....

.....

21. How did migrant farmers hold and exercise rights to land under customary tenure in this community?

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22. How do migrant farmers hold and exercise rights to land under reformed tenure in this community?

.....

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23. How did pastoralists hold and exercise rights to land under customary tenure in this community?

24. How do pastoralists hold and exercise rights to land under reformed tenure in this community?

Part IV: Strengths and Weakness of Alternative Tenure Regimes

25. What was good about the land tenure system of this community prior to reforms?

26. What was bad about the land tenure system of this community prior to reforms?

27. What is good about the current land tenure system?

28. What is bad about the current land tenure system?

Part V: A Look into the Future

29. What would you want embodied in future land reform initiatives?

THANK YOU FOR YOUR TIME

Appendix II: Interview Schedule (Migrant Farmers)



INTERVIEW SCHEDULE (MIGRANT FARMERS)

LAND REFORMS AND POVERTY: AN INQUIRY INTO THE PRO-POOR POTENTIALS OF TITLE FORMALIZATION IN GHANA

Part I: Reference Information

Date of Interview			
Community ID Number			
Household Number			
Number of People in the Household			
Results of Interview (Tick as Appropriate) <ul style="list-style-type: none">• Incomplete (to be continued on an agreed date) <input type="checkbox"/>• Incomplete (Refused to continue with interview) <input type="checkbox"/>• Incomplete (Other, specify.....) <input type="checkbox"/>• Complete <input type="checkbox"/>			

Part II: Demographic Characteristics

No.	Issue	Response
1.	Age of respondent	
2.	Educational attainment	
3.	Occupation <ul style="list-style-type: none">• primary• secondary	
4.	Average monthly income (GHC)	
5.	Marital status	
6.	Religion	
7.	Ethnicity	
8.	Length of period lived in community	

Part III: Reflections on Land, Land Reforms and the Position of Tenant Farmers

9. What is land to the people of this community?

.....

10. Who owns the lands of this community?

11. What does land symbolise to the people of this community?

.....

.....

12. How do tenant farmers hold and exercise rights to land under the land tenure system of this community?.....

13. Under what conditions do tenant farmers hold and exercise rights to land in this community?

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.....

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14. What forms of land reforms have been implemented in the last five years?

.....

.....

15. How were tenant farmers involved in the land reform processes?

.....
.....
16. How do tenant farmers hold and exercise rights to land under the reformed tenure system?

.....
.....
17. Under what conditions are your rights to land exercised under the reformed tenure system?

.....
.....
18. What are the effects of land reforms on your land rights in terms of the following:

- Rights of access.....
- Rights of withdrawal.....
- Rights of exclusion.....
- Rights of management.....
- Rights of alienation.....

Part IV: Strengths and Weakness of Alternative Tenure Regimes

19. What was good about the land tenure system of this community prior to reforms?

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.....
.....
20. What was bad about the land tenure system of this community prior to reforms?

.....
.....
21. What is good about the current land tenure system?

.....
.....
22. What is bad about the current land tenure system?

Part V: A Look into the Future

23. What would you want embodied in future land reform initiatives?

Part VI: Household Assets

No.	Issue	Response
24.	Nature of housing occupancy	
25.	Main material used in building the house	
26.	Roofing material of the house	
27.	Availability of toilet facility in the house	
28.	Source of drinking water for the household	
29.	How many functioning bicycles are owned by this household?	
30.	How many functioning vehicles are owned by this household (car, tractor, truck, motorbike)?	
31.	How many wooden/iron beds are in your household?	
32.	How many functioning radio sets are in your household?	
33.	How many functioning TV sets are in your household?	
34.	How many sewing machines are in your household?	
35.	How many electric lamps (bulbs) and or lanterns are in your household?	
36.	How many functioning traditional lamps are in your household?	
37.	How many functioning coal pots or kerosene stoves are in your household?	
38.	How many functioning electric or gas cookers are in your household?	
39.	How many functioning refrigerators are in your household?	
40.	How many functioning telephone/mobile phones are in your household?	
41.	How many functioning DVD/VHS are in your household?	
42.	How many functioning fans/air conditioners are in your household?	
43.	How many of the following animals do you have in your household? <ul style="list-style-type: none">• cattle• sheep• goats• pigs• chicken• ducks	

THANK YOU FOR YOUR TIME.

Appendix III: Interview Schedule (Pastoralists)



INTERVIEW SCHEDULE (PASTORALISTS)

LAND REFORMS AND POVERTY: AN INQUIRY INTO THE PRO-POOR POTENTIALS OF TITLE FORMALIZATION IN GHANA

Part I: Reference Information

Date of Interview			
Community ID Number			
Household Number			
Number of People in the Household			
Results of Interview (Tick as Appropriate) <ul style="list-style-type: none">• Incomplete (to be continued on an agreed date) <input type="checkbox"/>• Incomplete (Refused to continue with interview) <input type="checkbox"/>• Incomplete (Other, specify.....) <input type="checkbox"/>• Complete <input type="checkbox"/>			

Part II: Demographic Characteristics

No.	Issue	Response
1.	Age of respondent	
2.	Educational attainment	
3.	Occupation <ul style="list-style-type: none">• primary• secondary	
4.	Average monthly income (GHC)	
5.	Marital status	
6.	Religion	
7.	Ethnicity	
8.	Length of period lived in community	

Part III: Reflections on Land, Land Reforms and the Position of Pastoralists

9. What is land to the people of this community?

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10. Who owns the lands of this community?

11. What does land symbolise to the people of this community?

.....

12. How do pastoralists hold and exercise rights to land under the land tenure system of this community?

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13. Under what conditions do pastoralists hold and exercise rights to land in this community?

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14. What forms of land reforms have been implemented in the last five years?

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15. How were pastoralists involved in the land reform processes?

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16. How do pastoralists hold and exercise rights to land under the reformed tenure system?

.....

.....

17. Under what conditions are your rights to land exercised under the reformed tenure system?

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18. What are the effects of land reforms on your land rights in terms of the following:

- Rights of access.....
- Rights of withdrawal.....
- Rights of exclusion.....
- Rights of management.....
- Rights of alienation.....

Part IV: Strengths and Weakness of Alternative Tenure Regimes

19. What was good about the land tenure system of this community prior to reforms?

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20. What was bad about the land tenure system of this community prior to reforms?

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21. What is good about the current land tenure system?

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22. What is bad about the current land tenure system?

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Part V: A Look into the Future

23. What would you want embodied in future land reform initiatives?

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Part VI: Household Assets

No.	Issue	Response
24.	Nature of housing occupancy	
25.	Main material used in building the house	
26.	Roofing material of the house	
27.	Availability of toilet facility in the house	
28.	Source of drinking water for the household	
29.	How many functioning bicycles are owned by this household?	
30.	How many functioning vehicles are owned by this household (car, tractor, truck, motorbike)?	
31.	How many wooden/iron beds are in your household?	
32.	How many functioning radio sets are in your household?	
33.	How many functioning TV sets are in your household?	
34.	How many sewing machines are in your household?	
35.	How many electric lamps (bulbs) and or lanterns are in your household?	
36.	How many functioning traditional lamps are in your household?	
37.	How many functioning coal pots or kerosene stoves are in your household?	
38.	How many functioning electric or gas cookers are in your household?	
39.	How many functioning refrigerators are in your household?	
40.	How many functioning telephone/mobile phones are in your household?	
41.	How many functioning DVD/VHS are in your household?	
42.	How many functioning fans/air conditioners are in your household?	
43.	How many of the following animals do you have in your household? <ul style="list-style-type: none">• cattle• sheep• goats• pigs• chicken• ducks	

THANK YOU FOR YOUR TIME.

Appendix IV: Interview Schedule (Women Farmers)



INTERVIEW SCHEDULE (WOMEN FARMERS)

LAND REFORMS AND POVERTY: AN INQUIRY INTO THE PRO-POOR POTENTIALS OF TITLE FORMALIZATION IN GHANA

Part I: Reference Information

Date of Interview			
Community ID Number			
Household Number			
Number of People in the Household			
Results of Interview (Tick as Appropriate) <ul style="list-style-type: none">• Incomplete (to be continued on an agreed date) <input type="checkbox"/>• Incomplete (Refused to continue with interview) <input type="checkbox"/>• Incomplete (Other, specify.....) <input type="checkbox"/>• Complete <input type="checkbox"/>			

Part II: Demographic Characteristics

No.	Issue	Response
1.	Age of respondent	
2.	Educational attainment	
3.	Occupation <ul style="list-style-type: none">• primary• secondary	
4.	Average monthly income (GHC)	
5.	Marital status	
6.	Religion	
7.	Ethnicity	
8.	Length of period lived in community	

Part III: Reflections on Land, Land Reforms and the Position of Women

9. What is land to the people of this community?

.....

10. Who owns the lands of this community?

11. What does land symbolise to the people of this community?

.....

12. How do women hold and exercise rights to land under the land tenure system of this community?

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.....

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13. Under what conditions do women hold and exercise rights to land in this community?

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14. What forms of land reforms have been implemented in the last five years?

.....

.....

15. How were women involved in the land reform processes?

.....

16. How do women hold and exercise rights to land under the reformed tenure system?

.....

.....

17. Under what conditions are women's rights to land exercised under the reformed tenure system?

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.....

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18. What are the effects of land reforms on women's land rights in terms of the following:

- Rights of access.....
- Rights of withdrawal.....
- Rights of exclusion.....
- Rights of management.....
- Rights of alienation.....

Part IV: Strengths and Weakness of Alternative Tenure Regimes

19. What was good about the land tenure system of this community prior to reforms?

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20. What was bad about the land tenure system of this community prior to reforms?

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21. What is good about the current land tenure system?

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22. What is bad about the current land tenure system?

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Part V: A Look into the Future

23. What would you want embodied in future land reform initiatives?

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Part VI: Household Assets

No.	Issue	Response
24.	Nature of housing occupancy	
25.	Main material used in building the house	
26.	Roofing material of the house	
27.	Availability of toilet facility in the house	
28.	Source of drinking water for the household	
29.	How many functioning bicycles are owned by this household?	
30.	How many functioning vehicles are owned by this household (car, tractor, truck, motorbike)?	
31.	How many wooden/iron beds are in your household?	
32.	How many functioning radio sets are in your household?	
33.	How many functioning TV sets are in your household?	
34.	How many sewing machines are in your household?	
35.	How many electric lamps (bulbs) and or lanterns are in your household?	
36.	How many functioning traditional lamps are in your household?	
37.	How many functioning coal pots or kerosene stoves are in your household?	
38.	How many functioning electric or gas cookers are in your household?	
39.	How many functioning refrigerators are in your household?	
40.	How many functioning telephone/mobile phones are in your household?	
41.	How many functioning DVD/VHS are in your household?	
42.	How many functioning fans/air conditioners are in your household?	
43.	How many of the following animals do you have in your household? <ul style="list-style-type: none">• cattle• sheep• goats• pigs• chicken• ducks	

THANK YOU FOR YOUR TIME.

Appendix V: Interview Schedule (Land Reform Institutions)



INTERVIEW SCHEDULE (LAND REFORM INSTITUTIONS)

LAND REFORMS AND POVERTY: AN INQUIRY INTO THE PRO-POOR POTENTIALS OF TITLE FORMALIZATION IN GHANA

Part I: Reference Information

Date of Interview	
Name of Institution	
Contact Person	
Results of Interview (Tick as Appropriate)	
• Incomplete (to be continued on an agreed date)	<input type="checkbox"/>
• Incomplete (Refused to continue with interview)	<input type="checkbox"/>
• Incomplete (Other, specify.....)	<input type="checkbox"/>
• Complete	<input type="checkbox"/>

Part II: Institutional Structure/History

No.	Issue	Response
1.	Year of creation	
2.	Legal backing	
3.	Staffing <ul style="list-style-type: none"> • Male • Female 	
4.	Functions	

Part III: Specific Institutional Roles in Land Reforms

6. When was land administration reforms introduced in this community?
7. What are the roles of this institution in the land reform processes?
.....
.....
.....
8. What considerations are made in deciding to reform land administration in a given community?
.....
.....
.....
9. What processes are followed in the land reform processes?
.....
.....
10. What categories of people are involved in the processes leading to land reforms?
.....
.....
.....
11. What are the features of the land reform system?
.....
.....
.....
12. How much does it cost to obtain title to a land (GHC) under the reformed land tenure system?

13. How long does it take to issue a title?.....

14. How has the reforms affected the following?

- Land ownership?
- Land use?
- Local land governance/management?

Part IV: Changing Tenure and the Position of the Vulnerable

15. How has the reformed land tenure system affected the land rights of women (positively and negatively)?

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.....
.....

16. How has the reformed land tenure system affected the land rights of migrant farmers (positively and negatively)?

.....
.....
.....

17. How has the reformed land tenure system affected the land rights of pastoralists (positively and negatively)?

.....
.....
.....

Part IV: Strengths and Weakness of Alternative Tenure Regimes

18. What was good about the land tenure system of this community prior to reforms?

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19. What was bad about the land tenure system of this community prior to reforms?

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20. What is good about the current land tenure system?

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.....
.....

21. What is bad about the current land tenure system?

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.....
.....

Part V: A Look into the Future

22. What would you want embodied in future land reform initiatives?

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THANK YOU FOR YOUR TIME

Appendix VI: Interview Schedule (Local Authority/NSMA)



INTERVIEW SCHEDULE (LOCAL AUTHORITY)

LAND REFORMS AND POVERTY: AN INQUIRY INTO THE PRO-POOR POTENTIALS OF TITLE FORMALIZATION IN GHANA

Part I: Reference Information

Date of Interview	
Name of Institution	
Contact Person	
Results of Interview (Tick as Appropriate)	
• Incomplete (to be continued on an agreed date)	<input type="checkbox"/>
• Incomplete (Refused to continue with interview)	<input type="checkbox"/>
• Incomplete (Other, specify.....)	<input type="checkbox"/>
• Complete	<input type="checkbox"/>

Part II: Institutional Structure/History

No.	Issue	Response
1.	Year of creation	
2.	Legal backing	
3.	Staffing <ul style="list-style-type: none">• Male• Female	
4.	Functions	

Part III: Specific Institutional Roles in Land Reforms

6. When was land administration reforms introduced in this municipality?
7. What are the roles of this institution in the land reforms processes?
.....
.....
.....
8. What considerations are made in deciding to reform the administration of lands in a given community?
.....
.....
.....
9. What processes are followed in the reform of communal lands?
.....
.....
.....
10. What categories of people are involved in the processes of land reforms?
.....
.....
.....
11. What are the features of the land reform system?
.....
.....
.....
12. How much does it cost to obtain title to a land (GHC) under the reformed land tenure system?

13. How long does it take to issue a title?

14. How has the reforms affected the following?

- Land ownership?
- Land use?
- Local land governance/management?

Part IV: Changing Tenure, Land Use Planning and the Position of the Vulnerable

15. What are the levels of land use planning in the districts?

16. Who determines the need to plan up a given area/community?

17. What considerations/decisions influence the planning of a given area/community?

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.....
.....
.....

18. Who is involved in the land use planning decision making processes?

.....
.....
.....

19. What considerations/decisions influence the details of a land use plan?

.....
.....
.....

20. Who is involved in the approval of land use plans?

.....
.....
.....

21. What considerations/decisions influence the approval of land use plans?

.....
.....
.....

22. How has the reformed land tenure system affected the land rights of women
(positively and negatively)?

.....
.....

.....

23. How has the reformed land tenure system affected the land rights of migrant farmers (positively and negatively)?

.....

.....

.....

24. How has the reformed land tenure system affected the land rights of pastoralists (positively and negatively)?

.....

.....

.....

25. How has land use planning helped to address the land use needs of the following:

- Women farmers.....
- Migrant farmers
- Pastoralists

Part IV: Strengths and Weakness of Alternative Tenure Regimes

26. What was good about the land tenure system of this municipality prior to reforms?

.....

.....

27. What was bad about the land tenure system of this district prior to reforms?

.....

.....

28. What is good about the current land tenure system?

.....

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29. What is bad about the current land tenure system?

.....

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Part V: A Look into the Future

30. What would you want embodied in future land reform initiatives?

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THANK YOU FOR YOUR TIME